

Office of the West Bengal Clinical Establishment Regulatory Commission
1st Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.
Phone:- (033) 2262-8447 , Email: wbcerc@wb.gov.in Website: www.wbcerc.gov.in

Case Reference: INT/SPG/2022/155

Mr. Bijoy Biswas..... Complainant

vs

AMRI Hospital, Dhakuria Respondent/ Respondents

AND

Case Reference: INT/HGY/2022/156

Ms. Padma De Complainant

vs

B. M Birla Hospital..... Respondent/ Respondents



ORDER SHEET

Office Note	Order No.	Date	Order
	1.	29/08/2022	<p>These two complaints would have a resemblance hence, with the consent of all parties concerned, we have heard the complaints one after the other and we wish to dispose them off by the common judgment.</p> <p>In case of Mr. Bijay Biswas, the complaint would reveal, the complainant got his son admitted at the CE for removal of foreign parts present at the right leg. The CE introduced the concerned surgeon who examined the patient and admitted him for removal of the foreign body. However, during surgery the concerned surgeon operated the right thigh and removed a clot of blood that surfaced on the body. The main purpose of the procedure was, however, not taken care of. When confronted, the surgeon did not pay any heed to the complaint hence, this complaint.</p> <p>In case of Ms. Padma De, the patient was having a pacemaker that needed replacement. She was admitted at the CE. When the pacemaker was replaced by a lidless pacemaker the old pacemaker was not returned. The</p>

Bas.

JK

		<p>patient had infection at the surgery area. Despite ten to twelve OPD visits, each on payment of fees, the infection did subsist. Subsequently, it revealed that two broken parts of the old pacemaker had not been removed from the body at the time of replacement. When confronted, the concerned surgeon did not pay any heed to such complaint as according to him, no foreign body was found on radiological investigation done at the post surgical period. Having no result to the medical treatment for infection control, the patient approached Apollo, Chennai and got the said two broken lids removed from the body. Hence, the complaint.</p>
--	--	--

In the first case, the CE took the complaint very seriously and asked for explanation from the concerned surgeon. Being not satisfied with the explanation, CE got rid of him. The complainant was called and was assured all medical help free of cost. However, the complainant could not rely upon them and got the desired result from somewhere else.

In the second case, the parts were removed at Apollo, Chennai, as referred to above. However, the CE



		<p>is not prepared to accept their fault. According to Dr. Ganguly, the Medical Superintendent, their radiography report did not show presence of any foreign body. Hence, there could be no negligence on their part. They are, however, prepared to examine the investigation reports of Apollo, Chennai. In case they would find any mistake on their part they would appropriately compensate the complainant.</p>
--	--	--

We have considered the rival contentions in both the cases.

We must appreciate the stand of the first CE who did not hesitate to admit their fault. They went ahead to get rid of the concerned surgeon who failed to give any plausible explanation. They also offered further treatment free of cost that obviously the complainant could not trust.

We direct refund of the patient party amount on sharing of his bank details. We also direct refund of the cost of investigations done at the CE contemporaneously or thereafter.

Dr. Bagchi, representing the CE, would contend,



they are yet to receive the TPA amount.

We direct the CE to withdraw the bill from TPA and give a proper certificate to the complainant so that he can get the benefit of the insurance having no such claim made against it.

The CE is also directed to send a proper letter of apology to the complainant.

With regard to the second CE, in case of Ms. Padma De, we would direct the complainant to produce original bill of the Apollo, Chennai for in-House treatment as well as other correlated procedure. The CE may compare the original and return those papers to the complainant simultaneously. The complainant would also be entitled to produce original/copy of the train travel ticket to and fro Chennai.

Upon receipt of the bills and on being satisfied about the genuineness, the CE would reimburse the actual cost to the complainant on sharing of her bank details.

Simultaneously on payment, the complainant would also share all her medical records pertaining to in-house



and out-door treatment at Chennai. Dr. Ganguly would assure, they would copy the same and return all originals simultaneously.

Dr. Ganguly would also ask for necessary liberty to form medical board to consider the medical documents. Let them do so at their end so that they can take appropriate measure at their end to set their house in order however, such exercise would have no co-relation with the direction for payment of actual cost to the complainant.

The parties would agree, they would have the exercise on September 10, 2022, when the complainant along with her daughter would be present at the CE and meet Dr. Arnab Ganguly so that the entire process would be had in terms of the foregoing order.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated
[Signature]