

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference:INT/NPG/2022/166

Mr. Mohit Kumar Singh..... Complainant

vs

Disha Eye Hospital, Barrackpore..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	2.	28/10/2022	<p>This complaint was disposed of by us vide our order dated September 21, 2022.</p> <p>The facts would reveal, the patient approached the CE for cataract surgery under a medi claim policy. The patient completed all formalities and booked the OT date. On that day, when the patient approached CE, the CE demanded Rs. 15,000/- in cash as advance on the plea, out of total package of Rs. 45,000/-, the TPA approved Rs. 30,000/- as estimated cost. The complainant did not agree to pay in cash. As a result, the surgery could not be done.</p> <p>The complainant, son of the patient, approached us vide complaint dated August 20, 2022 that we disposed</p>



off vide order dated September 21, 2022.

By the said order, we observed, once the TPA approved a major Part of the treatment cost the CE could not have demanded additional sum in cash as an by way of advance. We deprecated the conduct of the CE by observing, they faulted in refusing admission. We directed the CE to give a fresh date for surgery and submit their total claim to TPA. In case TPA does not approve a part of it as an by way of final approval they would be at liberty to recover the balance amount from the complainant. We disposed of the complaint accordingly.

Subsequently, the complainant sent us a mail. The CE also sent a mail. On a combined reading of both mails, it now appears that a significant factor was overlooked by us as it was never pointed out by any of the parties while we disposed of the complaint on September 21, 2022.

It now appears, when the patient approached the

CE, she had a valid medical claim policy. The TPA also approved the estimate as recorded above, within the stipulated period covered under the policy. The surgery date was fixed on August 20, 2022. On that day, the insurance policy was alive however, the said policy got expired subsequently. As a result, today, the patient does not have a valid policy. CE is now taking advantage of the situation by demanding the entire estimated cost. The complainant would contend, he has no means to renew the policy.

We have tried to come out of the situation which is more complex because of the indifferent attitude of both the parties.

The CE faulted by refusing admission on the day when the policy was alive. The complainant faulted by not renewing the policy and deliberately kept it concealed at the time of hearing.

In course of hearing, Mr. Jayanta Malakar, learned advocate representing the CE, in his usual fairness, would

help us to come out of the situation by offering surgery of the patient at a lesser cost of Rs. 15,000/-. Mr. Ranadip Biswas, Accountant of the CE, present online, would agree to do the same.

Mr. Mohit Singh, son of the patient, would however insist, they should be allowed to have the surgery done free of cost. We do not appreciate.

We grant liberty to have the surgery done on the basis of the offer made by Mr. Malakar.

We direct CE to fix a particular date for surgery and on the day of surgery the patient would deposit Rs. 15,000/- as offered by the CE and have the surgery done.

The earlier order dated September 21, 2022 stands modified accordingly.

Before we conclude, we appreciate the gesture shown by Mr. Malakar to help us to come out^{of} the complex situation.



			<p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/- Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/- Dr. Maitrayee Banerjee – Member</p> <p>Sd/- Sri. Sutrittha Bhattacharya, IAS (Retd)- Member</p>
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Authenticated


Secretary
West Bengal Clinical Establishment
Regulatory Commission