

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/EMID/2022/195

Mr. Sujit Kuamr Bera Complainant

vs

Swastik Medicare Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	28/10/2022	<p>The complaint would relate to difference in TSH reports.</p> <p>The facts would reveal, the concerned pathological laboratory furnished report of TSH having found it at 9 whereas the other laboratory tested it as on September 19, 2022 as 9.10. Another laboratory has reported it as 5.48 testing the sample taken on the very next day i.e, September 20, 2022.</p> <p>The complainant approached the laboratory and raised his grievance. The laboratory wanted to have a retest done that the complainant declined. The laboratory sent their sample already preserved, to another laboratory</p>

		<p>that would have a result of 9.10. Hence, this complaint.</p> <p>We have heard Mr. Sujit Kr Bera, the complainant. We have heard the CE. We have also heard the concerned pathologist.</p> <p>The complainant would admit, he declined to have a retest done at the concerned laboratory.</p> <p>The concerned laboratory did not follow the accepted protocol sending sample to at least two laboratories for recheck.</p> <p>The complainant would contend, had the treating doctor relied on the earlier report the patient could have suffered a lot. Fortunately, it did not happen.</p> <p>We feel, the CE should have followed the accepted protocol by sending the sample to at least two laboratories. Such protocol was not followed.</p> <p>We caution the CE, they must adhere to the norms and procedure prevalent for the said purpose.</p> <p>We impose a token penalty of Rs. 5,000/-.</p>
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We also direct the CE to refund the cost of the test realised from the complainant as also the cost of the test done by the complainant in other laboratory, referred to above.

The amount of penalty and the reimbursement of the cost should be made on sharing of the bank details as well as production of the voucher concerning the other laboratory, with the CE.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutrittha Bhattacharya, IAS (Retd)- Member

Authen A cated
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