

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference:INT/KOL/2022/197

Mr. Soumendra Nath Ghosh..... Complainant

vs

Narayana Superspeciality Hospital, Howrah..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	28/10/2022	<p>This complaint would have a complex situation. The patient was having carcinoma in prostate and was advised surgical procedure for the same through robotic surgery. The patient was under medi-claim policy. The CE admitted the patient for a package of Rs. 4 lakhs however, the TPA sanctioned Rs. 1,42,504/- that compelled the patient to pay the balance sum of Rs. 2.27 lakhs.</p> <p>The complainant has grievance as against the CE on two counts:-</p> <p>i) At the pre admission stage he made it clear, unless and until the Robotic surgery is approved by TPA they</p>

would not go for the surgery.

ii) IRDAI circular would clearly provide, after covid, Robotic surgery is included under the Medi-Claim Policy.

To buttress his submission, Mr. Ghosh, the son of the patient, would contend, the pre authorization letter was forged by the CE. The pre authorization by TPA sanctioned a sum of Rs. 95,000/- with the remark, the surgery could be conventional and not Robotic. This was not pointed out to the patient or the patient family including the complainant. Had it been pointed out to them they would not have gone for the surgery. The document, that the CE relied upon through their response, does not have such comment that the complainant is having in his copy.

We are told, the complainant approached the Police Administration with a complaint for forgery that is awaiting decision. We refrain from making any comment on the same.

We wish to view this problem from a different angle. According to us, probably, the parties are at cross purposes. Both have relied upon IRDAI circular.

After the surgery, the CE approached the TPA for sanction of the entire amount of Rs. 4,00,000/- relying on the IRDAI circular that was also a part of the record made by the CE through their response.

The complainant would share a recorded telephonic voice that would however, not clinch the issue as it was a post surgery clipping. The complainant unfortunately cannot produce any audio clipping pertaining to the pre surgery period. Hence, it would be difficult for us to accept his contention on that score.

We are in full agreement with both the parties, the surgery was included in the package if the IRDAI circular relied on by both sides were effective as on the date of surgery and / or approval.

It is a fit and proper case where the complainant should approach the appropriate authority, in our view,



Ombudsman Insurance.

We are told, the complainant has already approached the Ombudsman Insurance who has advised him to approach the Insurance Company first. He has written accordingly. Let him wait for the decision of the Insurance Company. At this juncture, we do not find any scope to interfere with the complaint that the complainant has made before us.

He would be at liberty to approach us afresh in case he succeeds in his criminal proceeding pending before the appropriate forum.

With this observation, we dispose of the complaint.

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. Sutritha Bhattacharya, IAS (Retd)- Member

Authentic
WJ

Secretary
West Bengal Clinical Establishment
Regulatory Commission