

Case Reference:INT/NPG/2021/526

Mr. Ajit Kumar Nath..... Complainant

vs

OPTM Health Care..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
		23/12/2022	<p>This application for review has been filed by Mr. Ajit Kumar Nath, the complainant, who initially lodged a complaint against OPTM Health Care to the effect, being swayed away by the advertisement published in the Bengali leading daily, he approached the CE for appropriate orthopaedic treatment. However, ultimately he found, it was nothing but hoax. There was no qualified doctor having specialisation on the subject.</p> <p>We heard the complaint on November 17, 2021.</p> <p>The centre claimed to be treating orthopaedic patients. Although the institute would demand, it was being run by one Dr. Apurba Ganguly who was world</p>

famous specialist on the subject the prescription was signed by one by homeopath doctor who prescribed Ayurvedic medicine.

We wrote to the Homeopathy Council whether a homeopath doctor could prescribe Ayurvedic medicine or not. The answer is awaiting.

We passed an order of restraint against the CE from making any such publication unless and until they got a proper health license from the appropriate authority under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017. We also directed refund of a sum of Rs. 12,625/- being the cost of treatment that the complainant had to pay.

The complainant also prayed for transportation cost amounting to Rs. 12,000/- that we disallowed being outside our domain.

This application for review has now been filed by the complainant on two counts:

i) Despite our order of restraint there have been

publications.

ii) He was entitled to the transportation cost that the Commission should have allowed.

The complainant personally visited our office when he requested him to submit copy of the advertisement that he did not. Moreover, he did not mention any specific date of such advertisement. Hence we could not take any further steps.

Today, at the hearing, the complainant has given three dates of advertisement. Dr. Apurba Ganguly is present online. He would admit, such advertisements have been published. He would try to defend by contending, since the requisition was given earlier news daily mistakenly published the advertisement without knowing the order of restraint. We deprecate this violation. We would deal with it administratively.

The CE has also written to the Commission asking for permission to continue with the advertisement on the strength of a physiotherapy license that they have since

received.

We permit the CE to make a proper application along with a proforma advertisement for our consideration so that no dubious means could be allowed to be taken by the CE that would allure ailing patients to visit the establishment without knowing actually what the institute is for. However, this is on the administrative side.

The Commission has already rejected the claim for transportation. There is nothing shown in this application that would inspire us to review our own order.

The review application is thus disposed of without any modification.

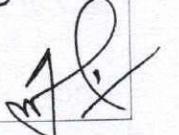
Sd/-
The Hon'ble Chairperson

Sd/-
Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-
Dr. Maitrayee Banerjee – Member

Sd/-
Smt Madhabi Das – Member

Authenticate


Secretary
West Bengal Clinical Establishment
Regulatory Commission