

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference:INT/KOL/2023/006

Mr. Soumyajit Chanda. Complainant

vs

Niramaya-jha's superspeciality centre.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	30/01/2023	<p>The complaint would relate to refusal in case of Swasthya Sathi admission. Although there are controversial issues raised by the parties admitted facts would reveal, the patient visited the CE on January 8, 2023 for orthopaedic intervention. He was examined by Dr. Jha who advised admission. The patient wanted to have admission under Swasthya Sathi and produced the Swasthya Sathi Card. The Hospital accepted the same and applied for pre-authorisation from the authority.</p> <p>The parties would join issue thereafter.</p> <p>According to the complainant, the CE demanded Rs. 65,000/- in cash as extra as according to them, they would recover Rs. 30,000/- from Swasthya Sathi and the</p>



balance amount would be required for the procedure.

Ms. Suparna Shil, representing the CE, would contend, she would admit, patient came and wanted admission under Swasthya Sathi Scheme. She would also contend, they do treat Swasthya Sathi patient and in none of the cases they would receive any pre-authorization from the Swasthya Sathi department. She however, does not specifically deny the assertion of the complainant on extra demand.

The patient was also examined by the doctor who advised admission. According to Ms. Shil, the patient wanted to come back after two days i.e, Tuesday for admission and did not come back.

The contention of the CE would not inspire confidence in us.

In a case of a planned admission pre-authorization is required and it is given immediately. In some emergent cases the Swasthya Sathi Department would also permit provisional admission subject to pre-authorization within



24 hours. In this particular case, before admission, the Swasthya Sathi Department was approached and pre-authorisation was asked for. Hence, there was no question of patient being admitted on a later date.

CE would however, not make it clear when such pre-authorisation was received by them. According to the CE, the patient did not come back whereas according to the complainant, they demanded extra money.

As and by way of rejoinder, the CE has modified their stand. According to them, the complainant demanded deluxe cabin that was not permissible under Swasthya Sathi Scheme. The complainant also demanded improvised Titanium implant that was also not available under Swasthya Sathi Scheme. The complainant would deny such contention.

We find justification in the complaint. We however, do not wish to award compensation in favour of the complainant as they also do not co-operate with us by giving the details of the pre-authorisation when it was



done. We also understand, the complainant also got the required treatment done at a different establishment as a cash patient and not under Swasthya Sathi.

We impose a penalty of Rs. 10,000/- that would be deposited with the Commission.

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/-

Smt Madhabi Das – Member

Authenticated
[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission

[Handwritten mark]