

Office of the West Bengal Clinical Establishment Regulatory Commission

1<sup>st</sup> Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: [wbcerc@wb.gov.in](mailto:wbcerc@wb.gov.in) Website: [www.wbcerc.gov.in](http://www.wbcerc.gov.in)

**Case Reference: INT/KOL/2023/115**

Mr. Biswarup Das ..... Complainant

vs

Surakha Diagonistic, Newtown..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	10/07/2023	<p>The complainant booked pathological investigation at Suraksha for his six days old baby. On a Sunday, sample was taken in the morning.</p> <p>According to the CE, the report was supposed to be given on the next day at the evening. The sample was collected on June 4, 2023 at 10.13 a.m. Since the patient was having problem the complainant was anxiously calling the helpline number 10/12 times inter-alia, asking for the Bilirubin report that was not available on site. Pertinent to note, although, the reports were supposed to be given on the next day other tests reports were made available on site. He could not get any proper answer from the call centre. The call centre was closed at 8 p.m.</p>

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and the recorded voice message was given advising the caller to call next day morning. He could be connected with Dr. Neepa Chowdhury, the concerned pathologist at about 10 a.m. next day when Dr. Chowdhury asked for re-sample as they did not get any conclusive report from the earlier sample. The complainant was ready to give further sample however, his Paediatrician advised to have immediate report. On his advice the sample was given to another centre and he got the desired result within a couple of hours.

We have perused the complaint. We have also perused the response. We have heard the complainant as well as Dr. Chowdhury who is present online.

According to Dr. Chowdhury, the sample was run on the Sunday itself. They did not get the desired result at 3 p.m. when the centre was closed. Inconclusive report came to the department on the next day. The same was reported to Dr. Chowdhury in the morning on Monday, the next day. Dr. Chowdhury talked to the complainant and explained to him the problem and asked for a re-

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sample that the complainant ultimately did not agree as advised by his Paediatrician.

Our esteemed member Dr. Maitrayee Banerjee, an expert on the issue, has also interacted online.

Even if we give full credence to what the CE would contend, we cannot get any plausible answer as to why the problem could not be informed to the complainant on Sunday itself. It is true, for abundant caution the CE already reported that all the reports would be made available on the next day evening yet, when the other two reports were ready that were available online it was prudent for the CE to also report that the other test report was inconclusive and would require further test with a fresh sample that would be done on the next day morning and not on Sunday itself.

We direct the CE to refund the amount that they realised in advance for Bilirubin test.

We also impose a penalty of Rs. 20,000/- to be paid to the complainant along with the refund.

The complainant is directed to share his bank details so that money could be paid to him by bank transfer.

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. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Sri. Tanmay Roy Chowdhury, IPS – Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*  
*S. P. Mukherjee*  
*17/07/2023.*

**Secretary**  
**West Bengal Clinical Establishment**  
**Regulatory Commission**