

Office of the West Bengal Clinical Establishment Regulatory Commission

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**Case Reference: INT/KOL/2023/113**

Ms. Suprinita Ghatak ..... Complainant

vs

Balananda Hospital, Behala..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	10/07/2023	<p>This complaint would relate to Medical negligence as well as hospital negligence. We have heard the complainant and her brother. We have also heard the CE.</p> <p>At the outset, we are surprised to know, despite three emails repeatedly sent to the CE, no copy of the response has ever been sent to the complainant.</p> <p>Our records would reveal, the first mail was sent on June 9, 2023 sending a copy of the complaint inter-alia, asking for a response to the Commission with a copy to the complainant. We received the reply on June 30, 2023. However, no copy was given to the complainant. We sent the hearing notice through Whats app on June 26, 2023 with the similar request that was also not adhered</p>

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12/07/2023.



		<p>to. We sent another mail on July 7, 2023 with a request to send a copy of the response to the complainant that was also not adhered to. We record our strong displeasure on the issue.</p>
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While going through the complaint and the related records we find, the patient was referred to higher set-up as the CE did not have adequate infrastructure to treat the patient who was too critical as reported in the discharge summary dated June 10, 2023. We fail to appreciate how that referral dated June 10, 2023 could be resulted in a DAMA within 48 hours. Pertinent to note, the patient was released under DAMA on June 12, 2023.

The concerned physician is present online. He would fairly admit, it was the fault of the RMO. However, we do not find any such admission in the response that was sent long after the discharge of the patient. We again note our strong displeasure.

Medical negligence would be outside our domain. we grant liberty to the complainant to approach the

S.P. [Signature]  
17/07/2023



		<p>appropriate authority. In case she is successful therein she would be at liberty to approach us afresh. We also grant liberty to the complainant to ask for further medical records, if required, for the said purpose. In case such request is made the CE would forth-with comply with the said request.</p>
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The Complainant's brother would make another complaint that after the patient had been transferred to the other set-up it revealed that the patient had several injuries that would indicate some unfortunate accident.

The same is not surfaced in the complaint made before us. If he would feel so he would be at liberty to take any recourse in law in that respect.

The patient was admitted for eight days against a payment of Rs. 20,000/-. The balance amount was paid by cheque that was dishonoured for non payment as we find from the response.

The patient was admittedly treated for eight days, CE must have spent for the same. Rs. 20,000/- is not apt.



		<p>The complainant's family is residing at Siliguri. They suddenly suffered a setback because their mother suffered a cerebral stroke at Kolkata. They are in a precarious condition as we find. Interest of justice would be sub-served if we settle the bill for a Rs.1,00,000/- (lump sum). The amount is reduced considering the follies of the CE mentioned above. The complainant would however, be entitled to have credit for Rs. 20,000/- that has already been paid.</p>
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We permit the complainant to make payment of the said sum of Rs. 80,000/- in eight equal monthly instalments commencing from August 1, 2023 and thereafter on the first day of each succeeding month. The CE would be at liberty to send their bank details to the complainant so that money could be transferred to the CE on the stipulated date.

In case of default of any two instalments the amount then due, would become immediately payable and CE would be at liberty to realise the same by adopting due

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process of law.

The complaint is disposed of.

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  
Regulation Commission