

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/2023/112**

Ms. Vaishali Mitra ..... Complainant

vs

Fortis Hospital, Anandapur..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	10/07/2023	<p>The complaint would reveal a miserable situation that we could not conceive before we take up this issue.</p> <p>A sixty three year old female patient having undergone two surgeries at a time, was discharged after seven days. She was discharged at 8.30 a.m. in the morning. Her family was asked at 9 a.m. to take her back. The complainant, the daughter of the patient, attended the CE at about 11 a.m. and started processing the bill. It took inordinate delay and ultimately the bill could be finally approved by the TPA and everything was settled by 7 p.m, almost 11 hours after the actual discharge.</p> <p>The ordeal did not end there. Another scenario</p>

started happening that was more painful. The bill was raised for Rs. 3.29 lakhs approximately however, the insurance raised some issues. Ultimately insurance approved Rs. 3,00,000/- requiring the patient to pay the balance amount of Rs. 4,018/- The complainant was ready to pay the said sum of Rs. 4,018/- at 7 p.m. She was not allowed.

Mr. Bapi Singh, the concerned executive would contend, he permitted the patient to leave after paying a further sum of Rs. 25,000/- as according to them, there had been further mistake on the part of the TPA because the non-medical expense to the extent of Rs. 25,000/- would also have to be paid by the patient. The complainant did not agree hence, the patient was not released.

Mr. Singh left his office at 8.30 p.m. knowing that the patient was still not released.

Mr. Debasis Das, the night manager came in to the scenario. He joined his duty at 8.30 p.m. He did not allow



the patient to go unless that additional sum of Rs. 25,000/- was not paid.

The complainant dialled 100 at about 11 p.m. The police came and intervened yet, Mr. Debasis Das did not allow the patient to go. Ultimately, the patient could be taken out of the hospital forcibly with the police help at about 1 a.m.

We have examined the bill. The bill was approved by TPA for Rs. 3,04,018/- that would cover the non-medical expense.

The CE would contend, since there had been some mistake on the part of the TPA they might not get Rs. 3,00,000/- as the TPA, after realising their mistake, might deduct Rs. 25,000/-. Hence, the issue was yet to be settled. However, the patient was offered release long before.

We do not believe what is contended by the CE.

The entire situation, if we say unfortunate, would be an understatement. No amount of financial compensation



would be enough to ameliorate the grievance of the patient and/or her family.

We have interaction with the patient herself. She is virtually on tears remembering her ordeal on the day of release. We have asked her as to what relief she would be praying before us. She wants some time to discuss with her family.

We have initially passed it over. Now they are back on the screen. Mr. Amit Kumar, the son-in-law of the patient, would submit, the patient does not want any financial compensation personally. At the same time she would pray for appropriate penalty to be imposed on the CE to be paid to any philanthropic institution.

In deference to the desire of the patient, we direct the CE to pay Rs. 1 lac on behalf of the complainant to a shelter for mentally retarded persons being run at New Town, Bodhana, HFPQ+2C3, International Financial Hub, West Bengal- 700156.

The CE is directed to make appropriate

transportation arrangement for the patient and her family and in their presence the money would be handed over to the home authority at their home where the mentally retarded persons are being given shelter.

Needless to say, the CE would make prior appointment with the home authority so that the executives and members could be present on the occasion.

Keeping the patient as hostage for recovery of an illegal demand making unjust enrichment that too, for sixteen and half hours, would definitely constitute an offence that would deserve a proper FIR to be lodged. We grant liberty to the patient to lodge FIR at Anandapur Police Station as against two executives named above, who were responsible for such hostage. In case any such complaint is lodged the police must take cognizance of the same and register FIR and take it to its logical conclusion.

At this stage, Mr. Sahin Biswas representing Fortis,



would pray for mercy on behalf of the said two executives.

Offence was committed by the accused to the victim hence, in our view, victim is the right person to lodge such FIR. We do not have power or authority to condone such offence or pardon the executives.

It would be open for the complainant to forgive them in case they approach her at her residence and pray for mercy.

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*  
  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission

