

06/07/2021
Item No. 5
Court No.8.
S. DE

Through Video Conference

W.P.A. 10520 of 2021

Duttapukur Seva Sadan & Maternity Home.

Versus

State of West Bengal & Ors.

Mr. Shibaji Kumar Das,
...for the petitioner.

Mr. Atarup Banerjee,
Md. Golam Nure Imrohi,
...for the respondent nos. 2 & 3.

Mr. Samrat Sen, Ld. A.A.G.
...for the State.

The petitioner assails an order dated January 25, 2021 passed by the West Bengal Clinical Establishment Regulatory Commission in connection with complaint I.D. No. MISC/NPG/2020/000038 (K).

Learned Assistant Additional Advocate General appearing for the State cites a judgment reported at ***2019 SCC OnLine Cal 6980 (Narayana Hrudyalaya Limited & Another Vs. West Bengal Clinical Establishment Regulatory Commission and Ors.)*** and submits that, since the allegation of the petitioner is that the commission proceeded to record the contentions of the petitioner wrongly, it would be

appropriate that the petitioner applies before the commission making such record.

The regulatory commission is represented.

The learned advocate appearing for the petitioner submits that the petitioner accepts the legal position as enunciated in *Narayana Hrudyalaya Limited & Another (Supra)* and that the petitioner be permitted to approach the regulatory commission for appropriate relief.

In view of the stands taken by the parties as noted above, it would be appropriate to dispose of the present writ petition by permitting the petitioner to avail of his remedies before the appropriate forum, in accordance with law. All points taken by the parties are kept open.

W.P.A. 10520 of 2021 is disposed of, accordingly.

No order as to costs.

Urgent certified Website copy of this order, if applied, be supplied to the parties, upon compliance of all requisite formalities.

[Debangsu Basak, J.]