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(Through Video Conference)

WPA 12036 of 2021

Medica Hospitals Private Limited & Anr.

Vs.

**West Bengal Clinical Establishment
Regulatory Commission & Ors.**

Mr. Pratik Dhar, senior advocate
Mr. Pappu Adhikari, Advocate
... ... for the Petitioners

Mr. Anirban Roy, Government Pleader
Mr. Jishnu Chowdhury
Ms. Amrita Panja Moulick, Advocate
... ... for the State

Mr. Atarup Banerjee,
Md. Golam Nure Imrohi, Advocates,
.....for the respondent nos. 1 & 2

Order dated March 15, 2021 of the West Bengal Clinical Establishment Regulatory Commission is under challenge in the present writ petition.

Learned senior advocate appearing for the petitioners submits that the petitioner was not afforded a reasonable opportunity of hearing before the impugned order was passed. He submits that the complaint before the Commission was lodged 68 days after the patient expired. The petitioner requested the Commission for four weeks' time to submit its reply. The Commission, however, afforded only three days time to submit its reply. Therefore, the petitioner could not produce all relevant materials before the Commission for the

Commission to take an informed decision on the subject.

The Commission is represented.

In the facts of the present case, the Commission received a complaint on the basis of which, it issued a notice to the petitioner asking for its comments. The petitioner replied thereto seeking some time. According to the petitioner, it was denied an opportunity to submit a reply on the merits of the claims of the complainant before the Commission.

It is now being contended on behalf of the petitioner that all materials are available for the petitioner to submit a reply should an opportunity be granted to the petitioner to do so.

In such circumstances with due deference to the Commission, it would be appropriate to set aside the impugned order dated March 15, 2021 on the ground of the same not being in accordance with the principles of nature justice in the sense that the petitioner was not afforded a reasonable opportunity of filing a reply.

The petitioner will submit its reply to the complaint within seven days from date with the Commission. In default of submitting the reply as specified herein, the Commission is at liberty to adjudicate on the complaint, in accordance with law. In the event the reply is submitted within the time as stipulated herein, the Commission will proceed with the complaint in accordance with law. The time period fixed for submitting the reply by the petitioner is peremptory.

WPA 12036 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)