

28.4.2023
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Ct. no. 652
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CO 661 of 2021

**Midland Nursing Home Private Limited
Vs.
Shraboni Chatterjee**

Mr. Partha Pratim Roy
Mr. Shibaji Kumar Das
Mr. Samrat Chowdhury
Ms. Rupsa Sreemani ...for the petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Dipanwita Das ...for the opposite party

This is an application under Article 227 of the Constitution of India against the order dated 10th September, 2020 and its consequential order dated 24th February, 2021 passed by the West Bengal Clinical Establishment Regulatory Commission in connection with Complaint ID: INT/NPG/2020/50 (Shraboni Chatterjee vs. Midland Hospital Private Limited).

By the impugned order the commission Prima Facie hold the Nursing Home guilty of the offence and directed Nursing Home to deposit five lakhs to the commissioner's office and gave them opportunity to defend themselves.

While admitting this application, this court was pleased to order that till disposal of the revisional application, proceedings before the commission shall remain stayed.

Learned counsel for the opposite party submits that due to such stay order, the proceeding before the Regulatory Commission could not proceed since 2021. As such, a direction may be given to the Regulatory Commission for early disposal of the said complaint, initiated by Shraboni Chatterjee.

Learned counsel for the opposite party referred Section 33 of the West Bengal Clinical Establishment (Registration, Regulation & Transparency) Act, 2017 and contended that the Commission has every right to grant interim compensation.

Having considered the facts and circumstances of the case, the West Bengal Clinical Establishment Regulatory Commission is hereby directed to dispose of the said complaint being ID: INT/NPG/2020/50 within a period of twelve weeks from the date of communication of the order. The order regarding deposit of compensation of Rs. 5,00,000/- in the office of commission, dated 10th September, 2020 shall be kept in abeyance till final disposal of the said complaint.

Accordingly, C.O. 661 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)