

AD-17
Ct No.09
23.06.2023
TN

WPA No. 14472 of 2023

Santanu Chatterjee

Vs.

The Superintendent, IPGME&R and SSKM Hospital

Mr. Anurag Roy

.... for the petitioner

Despite service, none appears for the respondent at the time of call. Affidavit-of-service filed today be kept on record.

The limited prayer of the petitioner is that the petitioner, after having lost his mother allegedly to medical negligence at one of the hospitals of Kolkata, lodged a complaint with the State Consumer Disputes Redressal Commission, in connection with which an order was passed by the said Commission, directing the Superintendent of the SSKM Hospital to form a Committee/Board on the subject, to examine the manner of treatment given to the patient and to ascertain the degree of negligence, if any, in the said treatment and to submit a report before the Commission within a period of three months from the date of the order.

It is noteworthy that the said order was passed as long back as on May 20, 2022. However, thereafter

at least four further dates have elapsed, but without any formation of such Board or any response on the part of the SSKM Hospital. The petitioner was constrained to give a demand for justice, also in vain.

In view of the specific order of the State Consumer Disputes Redressal Commission dated May 20, 2022, as reiterated subsequently on several occasions, the respondent ought to have constituted such Board and given a report by now.

Accordingly, WPA No. 14472 of 2023 is allowed, thereby directing the Superintendent, IPGME & R and SSKM Hospital, to constitute a Board/Committee, in terms of the order dated May 20, 2022 passed by the State Consumer Disputes Redressal Commission, West Bengal in Complaint Case No. CC/29/2015, as expeditiously as possible, positively within one month from the date of communication of this order to the respondent.

Upon such formation/constitution of the Committee/Board, the said Committee/Board shall, upon conducting due enquiry in accordance with law, furnish a report and intimate the interested parties in that regard as expeditiously thereafter as possible, completing the entire exercise preferably within two months after the formation of the said Committee/Board.

The direction passed on the respondent in the above regard is mandatory and peremptory and the respondent shall act on the written communication of the learned Advocate for the petitioner, accompanied by a server copy of this order, for the purpose of compliance, without insisting upon prior production of a certified copy of this order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)