

02.05.2024
Court No.13
Item No.48
AP

WPA 20065 of 2023
With
CAN 1 of 2024
Hemendra Narayan Chakrabarti
Vs.
The State of West Bengal and Ors.

Mr. Bikash Shaw
Mr. Sk. S.N. Islam

... For the Petitioner.

Mr. Jyoti Prakash Chatterjee
Mr. Kaustav Chatterjee

... For the State.

1. CAN 1 of 2024 is an application for substitution of the deceased, Hemendra Narayan Chakrabarti, original petitioner, who died on 18th January, 2024.

2. Having regard to the pleadings in CAN 1 of 2024, this Court is of the view that the application should be allowed.

3. Let Smt. Maya Chakrabarti, wife of the deceased Hemendra Narayan Chakrabarti be substituted in place and stead of the original writ petitioner.

4. Learned advocate on record of the petitioner shall carry out necessary amendment in the cause title of the writ petition in course of the day.

5. Service of a copy of the amended writ petition to the respondents is dispensed with since the respondents are represented.

6. Accordingly, CAN 1 of 2024 is disposed of.

7. Pursuant to the order passed by a coordinate Bench dated 18th September, 2023, the Medical College & Hospital, Kolkata has submitted a report signed by four experts on 31st October, 2023. The report is as follows:-

MEDICAL REPORT

Reference – Order of Hon’ble Justice Smt. Lapita Banerji, WPA 20065 of 2023 dated 18-09-2023; letter from the Assistant Registrar – VIII, High Court, Appellate Side, Calcutta bearing number 819-MD dated 21-09-2023 and this office letter bearing Memo number 28/12/11861 dated 12-10-2023

The expert members of the Medical Board carefully and meticulously examined all the medical records and investigation reports of Sri Hemendra Narayan Chakraborti S/O Sachindrakumar Chakraborti aged about 94 (Ninety-Four) years and opined that Sri Hemendra Narayan Chakraborti is suffering from CKD 3B (KFT details available since 2016). Earlier terminology of Chronic Renal Failure (CRF) has been changed to Chronic Kidney Disease (CKD) as per international consensus (KDIGO).

So the patient can be considered for Chronic Renal Failure stage 3B (as per earlier terminology)

Professor (Dr.) Tanmayjyoti Sau,
Department of General Medicine
Medical College & Hospital, Kolkata

Professor (Dr.) Sunirmal Choudhury
Department of Urology,
Medical College & Hospital, Kolkata

Dr. Saugat Das Gupta
Department of Nephrology,
Medical College & Hospital, Kolkata

Medical Superintendent-Cum-Vice Principal
Medical College & Hospital, Kolkata

8. In the opinion of the experts, the original writ petitioner Hemendra Narayan Chakrabarti, 94 years of age suffering from CKD 3B has been considered to be suffering from Chronic Renal Failure stage 3B.

9. In view of the aforesaid report, the impugned order dated 29th December, 2022 passed by the Deputy Secretary, Government of West Bengal, Consumer Affairs Department shall stand set aside.

10. The petitioner shall submit bills of expenses incurred on account of the treatment of her late husband, Hemendra Narayan Chakrabarti within a period of two weeks from date.

11. The respondents shall reimburse the bills up to the limit permissible under the West Bengal Health Scheme within a period of one month thereafter. For the aforesaid purpose, the substituted writ petitioner i.e. Smt. Maya Chakrabarti shall submit particulars of her bank account through her advocate to the learned advocate on record for the respondents and also to the Deputy Secretary, Government of West Bengal, Consumer Affairs Department at Kreta Suraksha Bhaban, 11A, Mirza Ghalib Street, Kolkata – 700087.

12. With the aforesaid directions, the writ petition is disposed of.

13. There shall be no order as to costs.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)