



IMA HQs. Standing Committee For Medicolegal Cell



MEDICO LEGAL TIP No.- 4 /2021

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National Consumer Disputes Redressal commission New Delhi

CONSUMER CASE NO. 243 and 265 of 1992

1. B.S. HEDGE

Versus

1. Dr. SUDHANSU BHATTACHARYA

BEFORE:

HON'BLE MR. JUSTICE V. BALAKRISHNA ERADI

Decided on : 07.10.1993

ORDER

FACT OF CASE:

B.S Hedge a Senior Government Servant underwent CABG on 08.11.1990 at Bombay Hospital – Surgery was successful and no complications.

Bill.	Hospital & Operation charge	Rs. 38665
	Service Charge	Rs. 13081
	CABG Charges	Rs. 1500
	Post-operative care for 3 months	
	- As cheque dt 16.11.1990	Rs. 40000

ALLEGATION:

1. Demanded Rs. 40,000/- half as black, for fixing up surgery at early date.
2. Did not provide post-operative care and had to wait in OP for 4 hours and 2 hours on two occasions.
3. Infection in chest and had to open across the rib. Forced to consult two other surgeons.

RESPONSE TO ALLEGATION:

While seeing other Cardiac patients being a Government Servant never wanted to wait for his turn and always barge into the consulting chamber.

It was only a skin collection which was aspirated, never had any signs of infection. Based on contractual relationship only the post-operative charges was levied and in no way related to prepone the surgery.

Both the Surgeons other than Dr. Bhattacharya denied any post-operative complication and infection, that collection in the suture site was a routine expected complications.

COURT OBSERVATION:

“We feel rather disturbed that the opposite party should have charged Rs.40,000/- for the post-operative care and treatment. The fee for the major surgery as such was only Rs.1500/-. Consequently, there is no iota of doubt that the fee for post-operative care and treatment viz. Rs.40,000/- was unconscionably high. Further, it is in evidence that the opposite party doctors’s consulting charges are only Rs.430/-per consultation. As such the charging of such a high fee of Rs.40,000/- for post-operative care and treatment is clearly unreasonable. This gives rise to suspicion that it might have been really in the nature of a fee for the operation passed off as a fee for post-operative care and treatment. However, improper it may be, the demand and acceptance of an exorbitant fee cannot be deemed to be deficiency in service and hence, it is not for the consumer forums to adjudicate on the question whether the consideration charged was reasonable.”

COMMENT:

The question on the professional charges have never been restricted by any court order until now, though some comments have been passed on since 1992 to 2021. The Status quo on professional fee remained the same in courts.

PURITY OF PROFESSION – PARITY IN HEALTHCARE