DMC/DC/F.14/Comp.2751/2/2024 19th March, 2024

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Smt. Sabina Kaur Sawhney d/o Shri Ravinder Bir Singh Sawhney r/o F-14, Kailash Colony, New Delhi-110048, alleging medical negligence in the treatment administered to the complainant at Rediscover Clinic Pvt. Ltd., R-541, Ground Floor, Greater Kailash Part-I, New Delhi-110048.

The Order of the Disciplinary Committee dated 21st December, 2023 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Smt. Sabina Kaur Sawhney d/o Shri Ravinder Bir Singh Sawhney r/o F-14, Kailash Colony, New Delhi-110048 (referred hereinafter as the complainant, alleging medical negligence in the treatment administered to the complainant at Rediscover Clinic Pvt. Ltd., R-541, Ground Floor, Greater Kailash Part-I, New Delhi-110048 (referred hereinafter as the said Clinic).

The Disciplinary Committee perused the complaint, written statement of Dr. Harish Kukreja, Rediscover Clinic Pvt Ltd., medical records of Rediscover Clinic Pvt., written submissions of Dr. Harish Kukreja and other documents on record.

The following were heard :-

1) Smt. Sabina Kaur Sawhney Complainant

2) Dr. Harish Kukreja Dermatologist, Rediscover Clinic Pvt. Ltd.

3) Abdul Imaran Ansari Manager, Rediscover Clinic Pvt. Ltd.

The complainant Smt. Sabina Kaur Sawhney joined the hearing of the Disciplinary Committee through video conference.

The complainant Smt. Sabina Kaur Sawhney alleged that on 29th June, 2017, she visited Rediscover Clinic Pvt. Ltd., where Dr. Harish Kukreja, who is Managing Director as well as the consultant dermatologist and laser specialist, for an opinion regarding laser hair removal. On getting satisfactory replies from the management staff of the clinic, the complainant paid an advance of Rs. 1000/- for laser hair removal (full body, unlimited sessions). She was also assured that the treatment would be given by Dr. Harish Kukreja or a qualified doctor. On the same day, she had taken a patch test, where she noticed that no protective eye wear was provided to her and on asking for the same, she was told that the eye wear has broken and a new one will be ordered soon. To her utter shock, as she was expecting a doctor to conduct the test, but a technician was present for the test. On asking for a doctor, she was told that the technicians are properly trained in giving laser treatments and this is only a patch test. Before making up her mind to undergo treatment, she once again clarified with the staff of the clinic and she was assured that the laser treatment would be conducted by Dr. Harish Kukreja or a qualified doctor and not by technicians. On 02nd July, 2017, she went to the clinic and she was again assured that there is nothing to worry about and she can pay the fees and the treatment can be started. She further paid Rs. 20,000/- for laser hair removal(full body, unlimited sessions). On payment of the above-mentioned sum, a zero session of laser hair removal for lower face was given, where she once again noticed that no protective eye wear for safe treatment was available and on asking for the same, she was again assured by the clinic’s staff that the new eye wear has arrived and would be used, as when the treatment starts. On 25th July, 2017, she paid the balance amount of Rs.19, 000/- and, hence, completed the entire payment module of Rs. 40,000/-, after which, she received her first sitting of half body laser hair removal, but in a very unprofessional manner, as againshe was not provided with protective eye wear despite asking for it repeatedly. Again, no doctor was present to supervise the procedure. When she asked for Dr. Harish Kukreja, at the time of the treatment, the staff neglected her request and carried on with the above-mentioned behaviour. On 28th July, 2017, when she again visited the clinic and asked for Dr. Harish Kukreja, as she was not feeling comfortable with her first sitting and wanted a sitting with a dermatologist, as there were red rashes on her arms, but the staff said that this is normal and will be fine within a week. She was then sent for remaining half body laser hair removal, including her back and again the same unprofessional conduct was shown by them, as again no protective eye wear was given and again the treatment was given in the absence of Dr. Harish Kukreja or any other qualified doctor. On the next day (29th July, 2017), she visited the clinic, as she had received razor cuts all over her body and red spots and rashes which were unusual in nature, mainly on her back. On complaining about the red spots, rashes and razor cuts to the staff of the clinic, they assured her that the marks are normal which would not be of any trouble and would be fine within two days and there is nothing to worry. On asking to meet Dr. Harish Kukreja, the staff again assured her that in case, the red spots and rashes were not gone, they would make her meet Dr. Harish Kukreja and there was nothing to worry about and sent her back. On 17th August, 2017, she visited the clinic, as the red spots and rashes on her back had increased and despite wanting to meet Dr. Harish Kukreja, the staff pretending to be doctors themselves,started suggesting a medicine by the name Fucidin. On repeatedly asking for the dermatologist and wanting to meet Dr. Harish Kukreja, the staff said that Dr. Harish Kukreja does not meet patients and is also not in the country. She was later given false assurance, by saying that they spoke to Dr. Harish Kukreja and that he has advised to take the same medicine till he is back and she was further informed to come to the clinic next week, when he is back. On 25th August, 2017, she visited the clinic, as the red spots and rashes had not reduced despite the ointment i.e.Fucidin, recommended by the non-medical staff of the clinic. But when shereached for the promised consultation with Dr. Harish Kukreja, to her utter shock, he was not there and on enquiry, she was told that Dr. Harish Kukreja does not visit this clinic and sits in another branch at Kalkaji. She was then given a consultation by a homeopathic doctor at the clinic, instead of a dermatologist, who was clueless about the infection that she had. Left with no other option, she left the clinic to meet a specialist, as Dr. Harish Kukreja was unable to provide the services promised by his clinic. Since, she was suffering and with no respite coming forth, she approached Dr. Hersha Vij MBBS on 28th August, 2017, as she was not getting any positive response from Dr. Harish Kukreja. Dr. Hersha Vij diagnosed his condition as Folliculitis (post laser treatment) and said that it will leave behind scarring and hyper pigmentation. Dr. Hersha Vij, went on to say that since it was not treated in the initial stages, it has worsened. He had to prescribe oral antibiotics and ointment for the infection caused due to improper administration of the laser treatment. On 31st August, 2017, she informed the staff of the clinic about the infection and her consultation with Dr. Hersha Vij and that the infection was caused due to improperly carried out laser treatment and negligence of Dr. Harish Kukreja. A management staff member asked her (the complainant) to come and meet heron 05th September, 2017 with her reports. On 04th September, 2017, she (the complainant) made a call to the same staff member who said that she will not be able to meet her (the complainant), as she is not available. Since, she had already suffered a lot due to deficiency of service and lack of professional approach, she asked for refund of her money, but she was told that money once paid shall not be refunded. She visited another dermatologist on 12th September, 2017, looking for a second opinion and met Dr. Jaya Gupta MD, Dermatology. Venerology& Leprosy,who also affirmed the same as Dr. Hersha Vij (whom she visited on 28.08.2017) that the adverse reaction on the back, is due to post treatment folliculitis. She wrote emails on 05th September, 2017 and 13th September, 2017, mentioning all her problems and asking for either a refund or solution but all her efforts went in vain, as no replies were received to the same. She even got a legal notice dated 10th October, 2017, served to the clinic and Dr. Harish Kukreja, thereby calling upon them to refund the sum of money paid by her for laser treatment and to pay compensation. However, like the emails, there was no response to the legal notice also. She would like to further add that she has also felt an increase in the hair growth on her body after the treatment given by the non-medical staff of Dr. Harish Kukreja’s clinic, which various researches mention is an adverse effect of improperly administered laser treatment. Also, she was never given a clear picture about the possible complications post laser treatment, a lot of facts were hidden from her and she was always given false assurances. Crucial information regarding the laser hair removal procedure, such as possible adverse effects and complications, was not provided to her and an Informed Consent was not taken from. This is against the code of ethics laid down by the Delhi Medical Council. In-fact, she was given wrong information that there are no possible adverse effects of the laser hair removal procedure with their machine. But till date, she is suffering from scars and marks on her body due to the adverse effects. It is important to note that Dr. Harish Kukreja has been misguiding her and the public in general, by mentioning his name outside the clinic as a consultant dermatologist and laser specialist but not being present in the clinic at all. He is also supporting and encouraging quackery, by allowing his non-medical staff, to carry out dermatological procedures, such as laser treatments, in the absence of himself or any other doctor. He is also instructing his non-medical staff to givemedications and ointments to the patients, which is against medical ethics. This clearly amounts to medical malpractice and violation of the code of ethics as laid down by the Delhi Medical Council. In this way, he is not only harming the people who come to his clinic for treatment but he is also spoiling the name of the medical profession by allowing unqualified people to give dermatological treatment. Apart from this, Dr. Harish Kukreja and the staff of his clinic, ignored her safety, by failing to provide the most basic requirement ofa laser hair removal procedure that is protective eyewear. The laser treatment was given to her without any protective eyewear, thereby putting her eyes and vision at risk. It is the duty of a doctor to first ensure the safety of the patient during any medical procedure. In this case, Dr. Harish Kukreja is not the least concerned about the safety of the people, coming to his clinic for the treatment and is only concerned about extracting money from them. It is a general hazard to have such doctors practicing openly. Another important fact to be noted is that she is not the only one who has suffered and many other clients of the said clinic have suffered due to the malpractice, being followed there. This indicates that Dr. Harish Kukreja is doing disservice to the society, as there are numerous similar complaints against him on various online consumer forums. He is using his name and medical degree to mislead people just so that he can make money and; hence, he is a danger to the society. In view of the mentioned illegal acts and unethical malpractice done by Dr. Harish Kukreja, strict action should be taken against him to protect the interest of society and the medical profession as well. The registration of Dr. Harish Kukreja with the Delhi Medical Council should be canceled, so that he will not be able to repeat the same malpractice in future and cause harm to more people. Besides this, Dr. Harish Kukreja must apologize for the wrong done to her, so as to meet the ends justice.

Dr. Harish Kukreja, Dermatologist, Rediscover Clinic Pvt. Ltd. in his written statement averred that he is the Director of Rediscover Clinic Pvt. Ltd, functioning from R-241, Ground Floor, Greater Kailash Part, New Delhi. He is a qualified consultant dermatologist, having obtained degree in M.B.B.S, D.V.D., M.D., SKIN & VD, and have an experience of twenty-five years in the profession. He has treated and cured thousands of the patients suffering from different skin and other allied ailments. There was no agreement between him and the complainant Smt. Sabina Kaur Sawhney that only he (Dr. Harish Kukreja) will impart treatment to the complainant. The complainant visited the Center where the procedure was done by the technician. The laser hair reduction session was given in theCenter by the technician under medical expert/supervision. The complainant had also stated in her affidavit submitted before the District Consumer Redressal Forum that the treatment would be given by/under the supervision of an expert doctor. He would like to further state that laser hair reduction is done by the technician under supervision of the medical expert in laser centers everywhere. The complainant had also filed a statutory complaint on similar allegation, before the District Consumer Disputes Redressal Forum, Qutab Complex, Mehrauli, New Delhi. The said forum is a quasi-judicial body, created under the Consumer Protection Act. It is needless to state that according to her own admission, the complainant visited his clinic and received treatment on 02nd July, 2017, 25th July, 2017, 28th July, 2017 and 29th July, 2017, she made payment of Rs. 40,000/- in three installments i.e.Rs.1,000/- on 29th June, 2017, Rs. 20,000/- on 02nd June, 2017 and Rs. 19,000/- on 25th July, 2017. As submitted by him before the forum, it is a matter of common sense that a patient would not repeat visits for the treatment unless he/she was not satisfied with the treatment on the previous dates. The complainant kept on visiting for the treatment and continued to pay the fees in an installment, which shows that she was satisfied on each visit before making payment of installment. The treatment documents referred to by the complainant, issued by Dr. Harsha Vij on 28th July, 2017 and by Dr. Jaya Gupta, are not annexed with the letter received by him and thus, he cannot comment upon them. The entire technical staff working in this Center is trained to offer procedure like the complainant. They all work under his directsupervision. It is false to allege that he assigns the job to quacks. It is a baseless allegation, unsupported by any concrete evidence. In view of the fact that he is a well-qualified dermatologist, the complainant having already filed a complaint before the quasi-judicial body where the matter is already sub-judice, the complainant having visited and received treatments on various dates and having paid installment and after she was satisfied about the treatment, the complaint filed by the complainant, deserves to be rejected. The complainant has alleged that she had redness and rash after the laser hair reduction, for which, she was prescribed antibiotic ointment by the center doctor, available at that time. Redness and rash can b appear in few cases after the hair reduction session, which is easily curable. He also stated that she was prescribed the antibiotic cream for the same. There was no deficiency of the service or medical negligence on his behalf. The complainant has not placed any record of any medical certificate from any medical expert that she has suffered temporary or permanent bodily harm. So, there is no question of medical negligence whatsoever. The complainant has falsely stated that the eyes cover was not supplied to her during the treatment. The hair removal treatment or otherwise is never given to the patient without eye protection cover. She was always given the eye shield. He would, therefore, request keeping in view of the aforesaid facts that the complaint made by the complainant may be rejected as frivolous.

Dr. Harish Kukreja, further stated that the procedure of laser hair reduction was carried on the complainant Smt. Sabina Kaur Sawhney at Rediscover Clinic Pvt. Ltd. He further stated that long pulse 1064nm ND Yag Laser Machine (Fotona Laser Slovenia) was used to conduct the procedure. The treatment was given to the complainant by an expert technician under his supervision. He invariably monitors the treatment given to the patients. The doctors/technicians who have worked in his centre from time to time, have given expert treatment to the patient at his centre including the complainant. Since, there are a number of technicians, working at a given time at the centre, it is difficult to point out a particular technician who had administered the treatment to the complainant. It depends upon the availability of a particular technician who is assigned the duty treating a particular patient/complainant. Needless to state that the complainant herself in her complaint states that she visited the centre on 29th June, 2017, 02nd July, 2017, 25th July, 2017, 28th July, 2017 and 29th July, 2017. After she was satisfied on 02nd July, 2017, she visited on a subsequent date i.e. 25th July, 2017. On having been satisfied on 25th July, 2017, she again visited for the treatment on 28th July, 2017 and again after having been satisfied on 28th July, 2017, she chose to visit on 29th July, 2017. After he satisfaction on each date of the treatment, she made the payment of Rs.40,000/- in three installments of Rs.1,000/-, Rs. 20,000/- and 19,000/-. It is inconceivable that patient would keep making the payment despite having been dissatisfied with the treatment. It may also be added that the patch test was conducted, as stated by the complainant herself. After, it was found that there was no adverse reaction to the patch test, further treatment on subsequent dates, were given to the complainant. The complainant seems to have taken ill about the fact that the entire fees was not refunded to her. Further, medicine Fucidin cream was prescribed by him on information imparted to him by the concerned doctor. All the allegations made by the complainant in this regard, are false. He also stated that the complainant being an outpatient, he is unable to fathom out the records after a period of more than five years. The rashness/redness after the hair removal/reduction from the skin, is a natural consequence. Besides, the reaction of the body of a patient to a particular treatment varies from the person to person. It may be added that there has been no permanent scar or reaction on the body of the complainant following the laser hair removal treatment.

In view of the above, the Disciplinary Committee makes the following observations :-

1. It is observed that the complainant Smt. Sabina Kaur Sawhney, 26 years old female, consultedRediscover Clinic Pvt. Ltd for the purposes of laser hair reduction treatment on 02nd July, 2017 and thereafter, on 25th July, 2017. Allegedly, she again visited the said Clinic on 28th July, 2017, 29th July, 2017 with complaints of red spots and rashes. However, the staff at Rediscover Clinic Pvt. Ltd assured her that the same were normal and would be fine within few days. The complainant again visited on 17th August, 2017, as the red spots and rashes had increased. She was advised to apply Fucidin cream by the staff of Rediscover Clinic Pvt. Ltd. She again visited the said Clinic on 25th August, 2017, as the spot and rashes had not subsidized, inspite of applying the Fucidin cream. However, allegedly, the complainant was asked to consult a homeopathic doctor at the said Clinic, instead of a dermatologist.

The complainant, thereafter, consulted Dr. Harsha Vij at Ahiraj Clinic on 28th August, 2017 who diagnosed the complainant with folliculitis (back) (post laser treatment for hair reduction of back), andadvised the necessary treatment. The same diagnosed was made by Dr. Jaya Gupta of Mata Gujri Medical Centre when the complainant consulted her on 12th October, 2017.

1. It is observed that laser hair removal, done correctly by a trained qualified medical practitioner is generally a harmless procedure with no side effects. In this case, however, as there was no oversight of the qualified medical practitioner at all, the procedure led to folliculitis and burn marks, which is indicative of the fact that the same was not done as per accepted professional practices in such cases.
2. It is observed based on the materials on record that laser hair reduction atRediscover Clinic Pvt. Ltd., was neither administered by Dr. Harish Kukreja nor was done under his supervision. In-fact, Dr. Harish Kukreja did not even meet the complainant even once at Rediscover Clinic Pvt. Ltd. Further, the medicine Fucidin was also prescribed by the staff of Rediscover Clinic Pvt. Ltd., albeit at Dr. Harish Kukreja’s instruction.

On being asked to explain what was the patch test, which was conducted on the complainant, Dr. Harish Kukreja could not give any medically tenable answer. He could not produce any document which establishes his credentials to carry out laser treatment. It is apparent that he lacks basic technical knowledge of laser treatment and, thus, he is also not qualified to train or supervise laser treatment, being carried out by any other person.

1. It is apparent that Dr. Harish Kukreja is the only qualified dermatologist, working at Rediscover Clinic Pvt. Ltd. and inspite of that, Dr. Harish Kukreja did not meet or examine the complainant even once during her consultant/treatment at Rediscover Clinic Pvt. Ltd. This kind of medical practice, is highly unprofessional and unbecoming of a medical practitioner.

In light of the above, the Disciplinary Committee recommends that the name of Dr. Harish Kukreja (Delhi Medical Council Registration No.6988) be removed from the State Medical Register of the Delhi Medical Council for a period of 90 days.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Atul Kochhar)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 21st December, 2023 was confirmed by the Delhi Medical Council in its meeting held on 21st February, 2024.

The Council also confirmed the punishment of removal of name of Dr. Harish Kukreja(Delhi Medical Council Registration No.6988) from the State Medical Register of the Delhi Medical Council for a period of 90 days awarded by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 60 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to :-

1. Smt. Sabina Kaur Sawhney d/o Shri Ravinder Bir Singh Sawhney r/o F-14, Kailash Colony, New Delhi-110048.
2. Dr. Harish Kukreja, K-4AB, Ground Floor, Kalkaji, New Delhi-110019.
3. Medical Superintendent, Rediscover Clinic Pvt. Ltd., Kukreja Skin Clinic, K-4GF, Kalkaji, New Delhi-110019.
4. Registrar, Gujarat Medical Council, 1st Floor, Old Nursing College Building, Near M P Shah Cancer Hospital, New Civil Hospital Campus, Asarwa, Ahmedabad-380016, Gujarat **(*Dr. Harish Kukreja is also registered with the Gujarat Medical Council under registration No.22628 dated 10-03-1995)-*for information & necessary action.**
5. National Medical Commission, Pocket-14, Sector-8, Dwarka, New Delhi-110077-**for information & necessary action.**

(Dr. Girish Tyagi)

Secretary