DMC/DC/F.14/Comp.2766/2/2024/ 26th March, 2024

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation form Dy. Commissioner of Police, South Distt., New Delhi, seeking medical opinion on a complaint of Ms. Vinita, r/o- F-34, 1st Floor, Old Double Storey, Lajpat Nagar-4, New Delhi, alleging medical negligence and professional misconduct on the part of Dr. Anita Chauhan of Clinic Elegance, M 17, GK-II, M Block Market, Second Floor, New Delhi-110048, in the treatment administered to the complainant.

The Order of the Disciplinary Committee dated 16th January, 2024 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation form Dy. Commissioner of Police, South Distt., New Delhi, seeking medical opinion on a complaint of Ms. Vinita, r/o- F-34, 1st Floor, Old Double Storey, Lajpat Nagar-4, New Delhi (referred hereinafter as the complainant), alleging medical negligence and professional misconduct on the part of Dr. Anita Chauhan of Clinic Elegance, M 17, GK-II, M Block Market, Second Floor, New Delhi-110048, in the treatment administered to the complainant.

The Disciplinary Committee perused the representation from Dy. Commissioner of Police, South Distt., New Delhi, complaint of Ms. Vinita, written statement of Dr. Anita Chauhan and Dr. Ashish Khare; comments of Dr. Shariq, Officiating Medical Superintendent, Irene Hospital; copy of medical records of Clinic Elegance; rejoinder of Ms. Vinita and other documents on record.

The following were heard in person :-

1) Smt. Vinita Complainant

2) Dr. Anita Chauhan Medical Director, Clinic Elegance

3) Dr. Ashish Khare Plastic Surgeon, Clinic Elegance

3) Shri Digmber MRO, Irene Hospital

The Disciplinary Committee noted that Dr. Shariq, Officiating Medical Superintendent, Irene Hospital failed to appear before the Disciplinary Committee, inspite of notice.

It is noted that the police in its representation has averred that complainant Smt. Vinita alleged that she went to Elegance Clinic situated at M-17 GK-II, New Delhi, for the treatment of Liposuction of thigh, upon which, Dr. Anita Chauhan assured of getting good results and also assured that she has a good team. She further alleged that she (the complainant) paid Rs.70,000/- for the surgery and the surgery was also done by Dr. Rajendra, but after the surgery, she got severe burn marks, bruises, scars and disfigurement in her both legs. She further alleged that Shri Rajendra is not a doctor and he only works in O.T. and upon verifying the same with Dr. Anita, she requested to not take legal action. The complainant has requested to take legal action against Dr. Anita Chauhan. During course of enquiry, the complainant submitted her treatment papers and alleged the above-mentioned allegations. The police also enquired the matter from alleged person Dr. Anita Chauhan, who submitted her written version. Dr. Anita stated that the complainant had filed false complaint and stated that she advised to the complainant for Cryo Therapy and Meso Therapy followed by a liposuction surgery. She also stated that they have only received a sum of Rs. 22,000/- and the complainant has not deposited the amount Rs. 70,000/- against the liposuction treatment. She also stated that the complainantwas never introduced by her to Rajinder and the complainant’s treatment was never handed over to him. She stated that the treatment of the complainant was done by her. She further stated that the complainant sent her a legal notice also only to harass/defame her. In view of the above facts, it is requested that the treatment papers of the complainant as well as the version of alleged Dr. Anita Chauhan may please be examined and opine as to if there is any negligence on the part of Dr. Anita Chauhan or otherwise?

The complainant Smt. Vinita alleged that she went to Elegance Clinic for the treatment of liposuction of thigh, upon which, Dr. Anita Chauhan assured of getting good results and further assured that she (Dr. Anita Chuhan) has team of professionals, having experience in the field and quoted her Rs. 70, 000/- for the surgery. Believing the words and the assurance, given by Dr. Anita to her (the complainant), she deposited the said amount and on 18th April, 2018, her surgery was supposed to be done by Dr. Anita and her team; however, she sent someone namely Rajinder in O.T. and introduced him as Dr. Rajinder to the complainant and assured her that he is well experienced in handling her case. However, after surgery, she got severe burn marks, bruises, scars and disfigurement of her both legs and loss of mobility against which when she made complaint to Dr. Anita, she (Dr. Anita) spoke to her(complainant) in very aggressive tone. Upon which, when she (the complainant) enquired about said Dr. Rajinder introduced by Dr. Anita, she was shocked to know that he is not a doctor and just works in O.T., and upon verifying the same with Dr. Anita, sherequested her (the complainant) to not go legal and assured her to do something to help her out of this situation; however, she made many requests to Dr. Anita Chauhan, as she (the complainant) was unable to stand due to mobility problem in her both legs and disfigurement, Dr. Anita Chauhan started ignoring her completely and upon follow up with Dr. Anita Chauhan, Dr. Anita Chauhan threatened her to do whatever she can and threatened her to face dire consequences. Hence, she would requesttheDelhi Medical Council totake strict action against the trap/fraud committed by Dr. Anita and Rajinder with her by misrepresenting Rajinder as Doctor and for breach of trust, professional negligence and due to which, she has scars, bruises, burn marks, disfigurement and loss of mobility in both legs and help her to get justice by taking strict action against them.

Dr. Anita Chauhan, Medical Director, Clinic Elegance in her written statement averredthat the complainant Smt. Vinita contacted her for the treatment of her (the complainant) thighs in last week of February, 2018 and was advised by her to undergo cryo therapy and meso therapy followed by a liposuction surgery. The complainant was fully satisfied after consulting her. The complainant was told by her that the total cost of cryo and meso therapy will be Rs.25,000/- and the cost of liposuction surgery will be Rs.70, 000/- and the complainant consented for it out of her own will. The complainant was neither allured nor forced or induced by her to undergo the treatment. No undue pressure was created by her on the complainant to undergo the treatment. The complainant went to her clinic for the treatment in March, 2018. Out of the amount of Rs. 25,000/-, the complainant had only paid Rs. 22,000/- to her after the treatment of the complainant was done by her to the complainant’s full satisfaction. The complainant also has not deposited the amount of Rs. 70,000/- against the liposuction treatment. The complainant created a friendly relationship with her and falsely induced her to believe that she (the complainant) will make the payment within three days after the treatment is done with the solemotive to make wrongful loss to her (Dr. Anita Chauhan) and wrongful gain to herself. But the complainant started ignoring her after three days and started behaving rudely. The complainant is still liable to pay Rs. 73,000/- (70,000 + 3,000) to her. The complainant was never introduced by her (Dr. Anita Chauhan) to Rajinder and the complainant’s treatment was never handed over to him, indeed, it was supervised by her personally. The complainant was introduced to Dr. Ashish who is a well-qualified and a competent doctor for the liposuction treatment. The complainant was fully satisfied with the treatment done by her. She never left complainant’s treatment in the hands of any untrained person and was never unbothered and it is a total false story created by the complainant to defame and harass her. Nofalse assurance was given to the complainant by her. The complainant never approached her with any complaint regarding the treatment done by her and the complainant was never given any wrong advice by her. The complainant was never ignored by her nor was any misleading statement given to the complainant by her. Her (Dr. Anita Chauhan) conduct was never unprofessional and ignorant. The complainant contacted her to further undergo the liposuction treatment, as the complainant was fully satisfied by the previous treatment done by her. She (Dr. Anita Chauhan) is running a reputed centre under the name of Clinic Elegance and has always been truthful with her work. The allegations made by the complainant, are totally false and are made with the sole motive to torture, harass, blackmail and defame her and make her submit to complainant’s illegal demands. The complainant was fully satisfied with the treatment and done by her and has always given positive response. She had never played fraud upon the complainant in any manner. No illegal or unlawful act is done by her in any manner. The complainant has tried to blackmail, harass, torture and cheat her.

Dr. Anita Chauhan stated that the cryotherapy on the complainant Smt. Vinita, was done by the staff Shri Rajender at Clinic Elegance.

On being enquired by the Disciplinary Committee as to whether any clinical evaluation of the complainant was done; no satisfactory answer was forthcoming from Dr. Anita Chauhan.

Dr. Ashish Khare, Plastic Surgeon, Clinic Elegance in his written statement averred that the complainant Ms. Vinita Devnani was introduced to him by Dr. Anita Chauhan in June, 2018. The complainant was an operated case of liposuction bilateral thighs. The complainant was concerned with the abnormal result post-liposuction. The complainant’s results were uneven, skin was loose and there was a definitive bulge at around her knees, which was not touched as per the procedure performed under local anaesthesia, as already told by the complainant. The complainant was concerned with abnormal deformity and the fat accumulation around the knees, which was uneven and giving a bad shape to the thigs. The complainant was counseled and her surgery was planned under spinal anaesthesia on 30th June, 2018 in Irene Hospital, Kalkaji, New Delhi. After routine investigations and pre-anaesthetic checkup, the complainant was taken for the surgery and only the abnormal collection of fat around the knees was suctioned. The procedure was uneventful and a compression dressing was done. The complainant was discharged from the hospital on 01st July, 2018 under stable condition. Apart from liposuction around the knees, no other surgery was performed by him on the complainant. In the end, he wants to say as a plastic surgeon, they are responsible person, follow ethics and honesty with their patients. The procedure was done to help the complainant from the physical and mental agony, she was having at that time, and for the benefit of the complainant. He concludes that he performed only corrective surgery for the fat deposits around the knees on the complainant.

Dr. Ashish Khare stated that he has been informed by the authorities of Irene Hospital that the medical records pertaining to the procedure of liposuction done by him on the complainant Ms. Vinita on 30th June, 2018, has been weeded out by the hospital. He was only able to trace the Discharge Summary.

He further stated that the unsigned reply, which has been filed in his name and has been received in the office of the Delhi Medical Council vide receipt No.66969 dated 12th December, 2019, has not been submitted by him.

It is noted that Dr. Shariq, Officiating Medical Superintendent, Irene Hospital commented that retention period of medical record in hospital as per policy, medical records of indoor patients may be stored for atleast past five years, for OPD and day care patient three years and for medical legal cases and death cases, forever. The above patient was admitted on 30th June, 2018 and discharged on 01st July, 2018. The indoor paper of this patient has been destroyed as per above policy.

Shri Digmber, MRO, Irene Hospital stated that the records pertaining to the surgery namely liposuction procedure done on the complainant Ms. Vinita during her admission at Irene Hospital for the period 30th June, 2018 to 01st July, 2018, have been weeded out in the month of November, 2022 as per the policy of the Irene Hospital.

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

1. It is noted that as per the record of Clinic Elegance, run by Dr.Anita Chauhan, the complainant Ms. Vinita had undergone certain procedures, namely cryotherapy and mesotherapy of thigh from 12th March, 2018 to 26th March, 2018. Dr. Anita Chauhan admitted that the said procedures were done by the technician, albeit under her supervision. The complainant firmly asserted that the procedures were done independently by the technician. She further asserted that she was subjected to liposuction procedure at Clinic Elegance.

It is further noted that subsequently, the complainant had to be admitted at Irene Hospital on 30th June, 2018 where she underwent liposuction procedure on her knee under spinal anesthesia on 30th June, 2018 for diagnosis of fat deposition bilateral knee joint which was conducted by Dr. Ashish Khare. The complainant was discharged on 01st July, 2018.

As per the complainant, she had to undergo another corrective surgery of liposuction bilateral thigh on 20th November, 2022 at Phoenix Hospital, Greater Kailash.

1. It is observed that Dr. Anita Chauhan who is holder of post-graduate qualificationof D.G.O., is neither qualified to undertake the procedure of cryotherapy and mesotherapy or even, liposuction. She, therefore, thus, is also not qualified to give training to any other person for undertaking such procedures.
2. The assertions of the complainant that she was subjected to liposuction procedure at Clinic Elegance, which was not done as per accepted professional practices in such cases and; hence, required corrective liposuction surgery at Irene Hospital; is substantiated by the averments made by Dr. Ashish Khare in his written statement wherein he asserted that ‘*the complainant was an operated case of liposuction bilateral thigh. She was concerned with the abnormal result post-liposuction. The complainant’s results were uneven, skin was loose and there was a definitive bulge at around her knees, which was not touched as per the procedure performed under local anaesthesia, evidence of the fact that the complainant was subjected to liposuction procedure at Clinic Elegance, which was not done as per standard protocol in such cases, resulting in poor outcome for the complainant’*.
3. It is apparent that the liposuction procedure was done by an untrained personnel, which post-procedure, caused lossing of skin of the thighs and disparity in thickness in knee and thigh, which required corrective liposuction surgery; however, Dr. Ashish Khare addressed the problem around knee only and not the thigh, for which, he advised compression garments.
4. Discharge summary of Irene Hospital shows the name of consultants as Dr. Anita/Dr. Ashish Khare whereas the fact is that Dr. Ashish Khare was the only plastic surgeon handling the case and Dr. Anita only brought the patient to Irene Hospital for treatment by a certified plastic surgeon.
5. Prescriptions issued by Dr. Anita Chauhan Clinic Elegance has no name/date and diagnosis of the patient which is a gross deficiency one of the prescription shows that Rs. 20000/- received by Clinic Elegance for the procedure Liposuction thigh.
6. Dr. Ashish Khare has also mentioned in his reply to Delhi Medical Council that Ms. Vinita Devnani was introduced to her by Dr. Anita Chauhan in June 2018 and she was a operated case of liposuction bilateral thighs. The patient was concerned with the abnormal result post liposuction.
7. It is noted that the complaint of Ms.Vinita was forwarded by the office of the Deputy Commissioner of Police, South District, Hauz Khas, New Delhi vide letter No.285/II-B/19/1810/SDC/SD dated New Delhi, the 19/3/2019, which was received in the office of the Delhi Medical Council on 14th April, 2019. Thereafter, the notice was issued to Dr. Anita Chauhan of Clinic Elegance on 29th April, 2019 for calling the written statement and medical records. Dr. Anita Chauhan submitted her written statement and copy of medical records of Clinic Elegance as well as those of Irene Hospital, which were received in the office of the Delhi Medical Council on 21st May, 2019. Subsequently, the notice was also issued to Dr. Ashish Khare in July, 2019 and then in October, 2019 and an unsigned written statement of Dr. Ashish Khare was received in the office of the Delhi Medical Council on 11th December, 2019 and again on 12th December, 2019. It is pertinent to note that Dr. Anita Chauhan in addition to running Clinic Elegance, is consultant at Irene Hospital, as is reflected in the Discharge Summary of the Irene Hospital.

In light of the observations made herein-above, the Disciplinary Committee recommends that the name of Dr. Anita Chauhan (Delhi Medical Council Registration No.1481) be removed from the State Medical Register of the Delhi Medical Council for a period of 180 days with a direction to refrain herself in future from venturing into field of medicine which is beyond the scope of her qualification and training. The Disciplinary Committee further recommends a warning be issued to Dr. Ashish Khare(Delhi Medial Council Registration No.DMC/R/2800).

The above sequence of events shows that Dr. Anita Chauhan and Dr. Ashish Khare, who are or were consultant at Irene Hospital, were aware of pendency of present disciplinary proceedings and inspite of that, the records pertaining to the admission and the surgery of the complainant of Irene Hospital, were destroyed/weeded out in the month of November, 2022. This act of weeding out of medical records during the pendency of the proceedings before the Delhi Medical Council, which exercise the power of Civil Court whilst conducting the disciplinary proceedings, is highly objectionable and irresponsible on the part of the Irene Hospital. The Directorate General of Health Services, Govt. of NCT of Delhi is requested to take a serious note of this issue and take appropriate action against Irene Hospital.

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Shalabh Kumar)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 16th January, 2024 was confirmed by the Delhi Medical Council in its meeting held on 21st February, 2024.

The Council further confirmed the punishment of removal of the name of Dr. Anita Chauhan (Delhi Medical Council Registration No.1481) from the State Medical Register of the Delhi Medical Council for a period of 180 days awarded by the Disciplinary Committee with a direction to refrain herself in future from venturing into field of medicine which is beyond the scope of her qualification and training.

The Council also confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Ashish Khare (Delhi Medial Council Registration No.DMC/R/2800); a copy of this Order be sent to the Directorate General of Health Services, Govt. of NCT of Delhi with a request to take a serious note of the issue observed in the Disciplinary Committee Order and take appropriate action against Irene Hospital.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council and issuance of warning, 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. Vinita, Supertech Cape-Town, Sector-74, CS12 903, Noida-201301.
2. Dr. Anita Chauhan,House no. 703, Tower-7, Star Court, Jaypee Greens, Greater Noida,Uttar Pradesh-201310.
3. Dr. Ashish Khare,415, Retreat Heights Apartments, South City 1, Gurgaon,Haryana 122001.
4. Dr. Shariq, Officiating Medical Superintendent,Irene Hospital,DD-23, Kalkaji Extension,New Delhi-110019.
5. ACP/HQ, For Dy. Commissioner of Police, Office of the Deputy Commissioner of Police, South District, Hauz Khas, New Delhi-110016-(w.r.t. No. 285/II-B/19/1810/SDC/SD dated 19.03.2019)-**for information**.
6. National Medical Commission, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077-**for information & necessary action and further, Dr. Anita Chauhan is also registered with the erstwhile Medical Council of India under registration No.15326 dated 19.08.1996 for information & necessary action.**
7. Directorate General of Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalaya Bhawan, F-17, Karkardooma, Delhi-110032. -**for information & necessary action.**

(Dr. Girish Tyagi)

Secretary