DMC/DC/F.14/Comp.2815/2/2024/ 14th October, 2024

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Smt. Kamal Rani, r/o–E-1/53, Sultanpuri, Delhi-110086, alleging medical negligence on the part of the doctors of Shri Siddhi Vinayak Hospital, Plot No.428, Main Kanjhawala Road, Pooth Kalan, Near OBC Bank, Delhi-110086, in the treatment of the complainant.

The Order of the Disciplinary Committee dated 01st October, 2024 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Smt. Kamal Rani, r/o–E-1/53, Sultanpuri, Delhi-110086(referred as the complainant), alleging medical negligence on the part of the doctors of Shri Siddhi Vinayak Hospital, Plot No.428, Main Kanjhawala Road, Pooth Kalan, Near OBC Bank, Delhi-110086 (referred hereinafter as the said Hospital), in the treatment of the complainant.

The Disciplinary Committee perused the complaint, written statement of Dr. Ashish Bansal, written statement of Dr. Ishwar Chand Patidar, Director, Shri Siddhi Vinayak Hospital, copy of medical records of Shri Siddhi Vinayak Hospital and other documents on record.

The following were heard in person :

1) Dr. Ashish Bansal Surgeon, Shri Siddhi Vinayak Hospital

2) Dr. Ishwar Chand Patidar Director, Shri Siddhi Vinayak Hospital

The Disciplinary Committee noted that the complainant Smt. Kaman Rani failed to appear before the Disciplinary Committee, inpsite of notices. Further, Dr. Firdos Bhatt also failed to appear before the Disciplinary Committee, inspite of notice.

In the interest of justice, the Disciplinary Committee decided to proceed with the matter in order to determine it on merits.

It is noted that as per the complaint of Kamal Rani, it is alleged that she was having pain in her abdomen. She was advised to get USG of the whole abdomen. In the report, it was mentioned that her gall-bladder was contracted. On 04th May, 2019, she was taken to Shri Siddhi Vinayak Hospital. She was admitted in the hospital and examined by the doctors and necessary tests were advised and, thereafter, on 05th August, 2019, she was operated in the said Hospital. She was assured that she would be discharged within two-three days. During the operation, the doctor installed small pipe to drain the bad blood, etc. She was on the liquid food, as she was not able to take anything orally. She noticed that excess fluid was oozing from the place of the operation. The hospital informed to her that there are some complications in the post-operation. The hospital informed her that there is infection in her stomach; therefore, she was advised for another operation to fix the excess secretion of fluid. On 15th March, 2019, Dr. Ishwar Patidar called Dr. Firdos, Dr. Ashish Bansal and Dr. Sunil for the operation. The operation was conducted. She got twenty seven stitches in her abdomen. She remained admitted in the hospital till 17th March, 2019 because, no doctor was visiting to see her condition. Her (the complainant) daughter Ms. Sushma requested the hospital’s authorities to discharge her (the complainant), as she was not getting the medical attention. On 17th March, 2019, she was brought to Sat Narayan Hospital, Budh Vihar, Delhi where Dr. Ashish Bansal advised to her to get ultrasound of the whole abdomen and several other tests. She did so and remained hospitalized in Sat Narayan Hospital till 22nd March, 2019. On 22nd March, 2019, Dr. Ashish Bansal advised her to get better medical attention with better facilities. On this advice, she was taken to RML Hospital, AIIMS Hospital and Safdarjung Hospital for the treatment but they refused to admit her. Then, she had no other option but to stay at her home and get medical advice from Dr. Ashish Bansal. In meantime, her health condition started deteriorating day by day. Then, she again went to Shri Siddhi Vinayak Hospital to appraise her entire health condition. The hospital advised her that she must go to G.B. Pant Hospital. On 26th March, 2019, she was brought at G.B. Pant Hospital for the treatment. She was admitted and sent to the ICU, as her condition was deteriorating day by day. She was remained in G.B. Hospital till 22nd April, 2019, when she was discharged. She spent Rs. 3,37,300/- for her treatment. Despite that, her condition is still critical and all it happened due to negligence, committed by the doctor mentioned above. On 16th April, 2019, her daughter lodged a complaint to the S.H.O. at Police Station Sultanpuri, Delhi against Shri Siddhi Vinayak Hospital, complaining that due to gross negligence on the part of the doctors, her (the complainant) case got complicated and sought legal action against the erring doctors and hospital. On the complaint of her daughter, NCR (Non-Cognizable Report) was recorded as Police Station Sultanpuri, Delhi, against the hospital and its doctors. The doctor could not operate the gall-bladder properly, therefore, excess fluid secret and cause infection. She was again operated by the doctor to fix the hole in the intestine. They again could not succeed in the second operation as well as post-operation management and the treatment. When her condition got critical, beyond their control, they asked her daughter to bring her (the complainant) at government hospital, having advance and better facilities for her treatment. The doctors have committed gross negligence, resulting from the failure on their part. The doctors have not acted accordance with the medical standard of practice, which are being practiced by an ordinarily and reasonable competent man, practicing the same profession, therefore, the doctors are guilty of medical negligence.

Dr. Ashish Bansal, MBBS, DNB Surgery, Shri Siddhi Vinayak Hospital in his written statement averred that he was the second assistant and the operating surgeon was Dr. Firdosh Bhatt in the surgery of the patient Smt. Kamla Rani done on 11.03.2019 in Shri Siddhi Vinayak Hospital for duodenal perforation. Perforation was repaired by Dr. Firdosh Bhatt and the patient was hemodynamically stable after surgery. The patient was admitted in Shri Siddhi Vinayak Hospital from 05.03.2019 to 17.03.2019. The patient took LAMA from Shri Siddhi Vinayak Hospital on 17.03.2019. The patient got admitted in Sat Narayan on 17.03.2019 with the consent of the relatives. The patient was managed conservatively from 17.03.2019 to 21.03.2019 for the same. The patient was hemodynamically stable from 17.03.2019 to 21.03.2019. The patient took LAMA on 22.03.2019 and got admitted in some other hospital.

Dr. Ishwar Chand Patidar, Director, Shri Siddhi Vinayak Hospital in his written statement averred that the complainant Smt. Kamal Rani first presented at their out-patient department on 04th March,2019 and subsequent examinations including an USG conducted at Drishti Imaging Center indicated the presence of WES complex suggestive of likely cholelithiasis (contracted GB). After a thorough review, they recommended the surgery, laparoscopic/open cholecystectomy after consent and subjected to PAC fitness. The complainant and her attendants consented to the procedure and she was admitted on 05th March, 2019. Pre-operative assessments including a consultation with an anaesthetist were conducted and the surgery took place on 06th March, 2019. Intra-operative findings revealed a choledocho-duodenal fistula, which was promptly repaired following the removal of the gall-bladder. Post-operatively, a peritoneal abdominal drain was placed, which continued to drain post-operatively. On 08th March, 2019, the complainant developed tachycardia. After expert consultation, a subsequent MRCP on 09th March, 2019 was done, which revealed mild fluid inperi-hepatic and sub-hepatic spaces alongwith right paraceric gutter involvement and bilateral pleural effusion. A decision was made to perform an exploratory laparotomy on 11th March, 2019 to address the possibility of fistula repair leakage. Unfortunately, despite the repair, the complainant’s condition began to deteriorate. Post-operatively, the complainant exhibited elevated TLC-23300 and signs of organ dysfunction. Despite interventions, her condition continued to worsen and on 17th March, 2019, it was collectively decided by the consulting team to transfer her to a higher center for specialized care. Regrettably, the complainant and her attendants chose to leave against medical advice (LAMA) on 17th March, 2019. Subsequently, on 26th March, 2019, she sought admission at G.B. Pant Hospital, which was facilitated by them. He (Dr. Ishwar Chand Patidar) is pleased to inform the Delhi Medical Council that the complainant responded positively to conservative management and as of the second week of April, 2019, she unofficially reported significant recovery.

Dr. Ishwar Chand Patidar further stated that he does not have the contact or registration details of Dr. Firdos Bhatt and as per his information Dr. Firdos Bhatt is residing in some Gulf country.

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

1. The patient Smt. Kamal Rani, a 59 years old female with a diagnosis of cholelithiasis, underwent cholecystectomy under consent on 06.03.2019 at the said Hospital. During the surgery, a choledochoduodenal fistula was noted and; hence, the same was also repaired. MRCP done on 10-03-19 revealed mild fluid in perihepatic and sub hepatic space and along right paracolic gutter with mild fat stranding in sub hepatic space and bilateral minimal pleural effusion. The patient, thereafter, was diagnosed with perforation peritonitis (Duodenal perforation) and underwent Laparatomy (omentum placed) on 11-03-19. The patient went LAMA on 17-03-19. She, as per the complaint was admitted in Satyanarayan Hospital from 17-03-19 to 22-03-19 (no records provided to the Committee) and, thereafter, remained home till 26-03-19. The patient was then admitted in G.B. Pant Hospital where she was diagnosed with post cholecystectomy duodenal injury and underwent Exploratory laparatomy with Feeding juejonestomy with sub hepatic drain placement and was discharged on 22-04-19.
2. The surgical procedure of cholecystectomy with fistula repair for a diagnosis of cholelithiasis with cholideudonal fistula was warranted and was done as per accepted professional practices in such cases.
3. Duodenal perforation which the patient suffered post cholecystectomy is a known complication of cholecystectomy procedure.
4. It is noted that in this case, Dr. Firdosh Bhatt who was the primary surgeon in the surgeries done on 6.03.2019 and 11.03.2019, as per the information available in the State Medical Register of Delhi Medical Council, he is not registered with Delhi Medical Council. Further, Dr. Ishwar Chand Patidar, Director, Shri Siddhi Vinayak Hospital failed to provide his contact or registration details to the Delhi Medical Council. Dr. Ishwar is, thus, guilty of having failed in his duty as a Director of the said hospital by employing person not registered with Delhi Medical Council in violation of provisions of the Delhi Medical Council, Council Act which mandates that any person practicing or servicing in modern scientific of medicine in Delhi shall be registered with the Delhi Medical Council.

In light of the observations made hereinabove, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of the doctors of Shri Siddhi Vinayak Hospital in the treatment of this patient Smt. Kamal Rani; however, the Disciplinary Committee recommends that a warning be issued to Dr. Ishwar Chand Patidar (Delhi Medical Council Registration No.36095) for his failure to employ a person as a doctor in his establishment who did not hold registration with the Delhi Medical Council.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Alok Bhandari) (Dr. Amit Gupta)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

 Disciplinary Committee

The Order of the Disciplinary Committee dated 01st October, 2024 was taken up for confirmation before the Delhi Medical Council in its meeting held on 03rd October, 2024 wherein *“whilst confirming the Order of the Disciplinary Committee, the Council observed that since Dr. Ishwar Chand Patidar has indulged in an illegal conduct of employing a doctor, namely Shri Firdosh Bhatt, who is neither registered with the Delhi Medical Council nor his name appears on the Indian Medical Register (as available on the website of the National Medical Commission), thereby, raising a serious apprehension that Shri Firdosh Bhatt is not a qualified person, more so, when Dr. Ishwar Chand Patidar failed to provide his (Shri Firdosh Bhatt) registration/qualification details or his last known address or the contact detail; hence, the punishment of warning, awarded by the Disciplinary Committee to Dr. Ishwar Chand Patidar, does not serve the interest of justice. The Council, therefore, directs that the name of Dr. Ishwar Chand Patidar (Delhi Medical Council Registration No.36095) be removed from the State Medical Register of the Delhi Medical Council for a period of 60 days.*

*The Council further directs that a copy of the this Order be also sent to the Directorate General of Health Services, Govt. of NCT of Delhi to take appropriate action against Shri Siddhi Vinayak Hospital for employing an unregistered, unqualified person as a doctor in the said hospital. An F.I.R. be also registered against Shri Firdosh Bhatt for practicing modern scientific system of medicine (allopathy) in the NCT of Delhi without holding any requisite medical qualification as per the Schedule to the NMC Act and being not registered with the Delhi Medical Council, as Shri Firdosh Bhatt, as per Dr. Ishwar Chand Patidar, Director, Shri Siddhi Vinayak Hospital, had performed the surgeries done on the complainant Smt. Kamal Rani on 06th March, 2019, 11th March, 2019 and the name of Dr. Firdos Bhatt appears in the operation notes dated 06th Mach, 2019 and 11th March, 2019 of Shri Siddhi Vinayak Hospital.*

*The Council further observed that the Order directing the removal of name of Dr. Ishwar Chand Patidar (Delhi Medical Council Registration No.36095) 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. Kamal Rani, w/o Shri Sudesh Kumar, r/o–E-1/53, Sultanpuri, Delhi-110086
2. Dr. Ashish Bansal, Through Director, Shri Siddhi Vinayak Hospital, Plot No.428, Main Kanjhawala Road, Pooth Kalan, Near Punjab National Bank, Delhi-110086.
3. Shri Firdosh Bhatt, Through Director, Shri Siddhi Vinayak Hospital, Plot No.428, Main Kanjhawala Road, Pooth Kalan, Near Punjab National Bank, Delhi-110086.
4. Dr. Ishwar C. Patidar, Director, Shri Siddhi Vinayak Hospital, Plot No.428, Main Kanjhawala Road, Pooth Kalan, Near Punjab National Bank, Delhi-110086.
5. Registrar, Madhya Pradesh Medical Council, F-7, Sanchi Complex Opposite Board Office, Bhopal, M.P. – 462016 (**Dr. Ishwar Chand Patidar is also registered with Madhya Pradesh Medical Council under registration No.6572 dated 14.06.2004)- for information & necessary action.**
6. Dy. Commissioner of Police, Office of the Dy. Commissioner of Police, Outer District, Pushpanjali Enclave Pitampura, Delhi-110034-w.r.t. letter No.3654/Complt. Br./AC-VIII/OD District New Delhi dated 20.08.2020-**for information & necessary action.**
7. Director General of Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalaya Bhawan, F-17, Karkardooma, Delhi-110032**-for information & necessary action.**
8. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Dehi-110077-**for information & necessary action.**

 (Dr. Girish Tyagi)

 Secretary