

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION: NORTH-EAST**  
**GOVT. OF NCT OF DELHI**  
**D.C. OFFICE COMPLEX, BUNKAR VIHAR, NAND NAGRI, DELHI-93**  
**Complaint Case No.42/23**

**In the matter of:**

1. Anjali  
W/o Lt. Sh. Neeraj Gupta,
2. Arjit Gupta,  
S/ Lt. Sh. Neeraj Gupta,
3. Anshika Gupta,  
D/o Lt. Sh. Neeraj Gupta,

All at:

H.No. K-269, Gali No. 16,  
GautamVihar, North East,  
Delhi 110053

**Complainants**

***Versus***

1. Max Super Specialty Hospital, Vaishali,  
(A unit of Crosslay Remedies Ltd.)  
Through its  
Director/Management/Secretary  
W-3, Sector-1, Vaishali, Ghaziabad,  
U.P 201012

2. Crosslay Remedies Ltd.,  
Through its  
Director/Management/Secretary,  
Regd. Office: N-110, Panchseel Park,  
New Delhi 110017

**Opposite Parties**

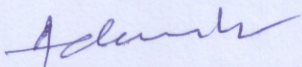
**DATE OF INSTITUTION: 21.02.2023**

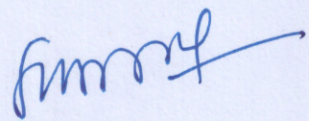
**JUDGMENT RESERVED ON: 03.07.2025**

**DATE OF ORDER : 03.12.2025**

**CORAM:**

Surinder Kumar Sharma, President  
Adarsh Nain, Member







## ORDER

**Surinder Kumar Sharma, President**

The Complainants have filed the present complaint under Section 35 of the Consumer Protection Act, 2019.

1. The case of the Complainant as revealed from the record is that in the month of January 2022, Husband of the Complainant No. 1 visited Opposite Party No. 1 for getting treatment of cancer. Doctor of Opposite Party No. 1 advised the husband of the Complainant No. 1 for Chemotherapy and Radiation therapy treatment. Thereafter, husband of Complainant No. 1 was getting the treatment of chemotherapy and on 31.01.2022 he had deposited Rs. 50,000/- in cash for radiation therapy treatment. After checking the husband of the Complainant No. 1, doctor of radiation therapy told that radiation therapy was not possible at that time and told to take his refund for radiation therapy treatment. On 22.03.2022 the husband of the Complainant No. 1 had expired at home. On 12.04.2022, Complainant No. 1 along with her brother-in-law visited the cash counter of radiation therapy for taking the refund, then official of Opposite Party No. 1 asked to write an application and submit it along with original receipt of cash. As per the instruction of the said employee the Complainant No. 1 submitted the application along with original receipt. Thereafter, Opposite Party No. 1 told to visit after a week. After a week Complainant No. 1 visited the cash counter of Opposite Party No. 1, then the



said employee made excuses. Complainant No. 1 visited several times the office of Opposite Party No. 1 but all in vain. On 29.12.2022, the Complainant No. 1 made a complaint with the Opposite Party No. 2 and it assured the Complainant No. 1 that her problem would be sorted out as early as possible. On 30.12.2022, the Complainant No. 1 made several call to the Opposite Party No. 2 then on 31.12.2022 the Opposite Party No. 2 denied to refund amount by saying that hospital policy and rules did not allow to return the said deposit amount to patient. Hence, there is deficiency of service on the part of the Opposite Parties. Complainant has prayed for Rs. 50,000/- i.e. paid by the husband of the Complainant No. 1 along with interest @ 18 % p.a. Complainant also prayed for Rs. 50,000/- towards mental harassment and also prayed for litigation cost.

2. The Opposite Parties contested the case and filed its common written statement. It is stated that the complaint has been filed and the same is an afterthought. It is alleged that the complaint has been filed with ulterior motive. It is stated that there is no cause of action in favour of the Complainant. It is stated that on 17.01.2022, patient namely Neeraj Gupta, husband of Complainant had visited Opposite Party No. 1 for consultation with Dr. Arun Goel. The said doctor Arun Goel has referred the patient to Dr. Dinesh Singh (Radiation Oncologist) and Dr. Gopal Sharma (Medical Oncologist). Doctor also advised the patient for chemotherapy and radiation



therapy treatment for his illness. The patient was planned for radiation therapy for 3D CRT with and estimated cost was Rs. 1,52,110/-. The patient was admitted in the hospital on 31.01.2022 and subsequently the patient investigation (CT scan) and planning for radiation was done successfully and he has deposited an amount of Rs. 50,000/- in cash. However, thereafter, the patient had discontinued the treatment in between. It is stated that Opposite Party had shared the estimations and calculations of the expenses of treatment in the hospital and also intimated the patient and his family that an amount of Rs. 6,440/- was payable to the parties by Opposite Party No. 1 Hospital. It is stated that the treatment was partly done. The calculation breakup is as under:-

Calculation Breakup		
	Particulars	Amount (In Rs.)
A.	3D CRT Package	1,32,050.00
B.	Planning Charges	33,100.00
C.	CT Scan Charges	10,460.00
D.	Amount to be billed (B+C)	43,560.00
E.	Amount Deposited by Patient/Attendant	50,000.00
F.	Refund (D-E)	6,440.00

3. It is stated that the allegations made in the complaint are false and it is prayed that the complaint may be dismissed.

*[Signature]*

*[Signature]*



4. The Complainant No. 1 filed rejoinder to the written statement of Opposite Parties wherein the Complainant No. 1 has denied the pleas raised by the Opposite Parties and has reiterated the assertions made in the complaint.
5. To support their case, the Complainants have filed the affidavit of Complainant No. 1, wherein, she have supported their case as mentioned in the complaint.
6. In order to prove their case, Opposite Parties have filed affidavit of Dr. Ruchi Ranawat, wherein the averments made in the written statement of Opposite Parties have been supported.
7. We have heard the Ld. Counsels for the parties. We have also perused the file and written arguments filed by the Complainants and Opposite Parties. The case of the Complainants is that husband of Complainant No. 1 has deposited Rs. 50,000/- with the Opposite Party for the cancer treatment. The case of the Complainant is that radiation therapy was not given and therefore, the hospital is required to refund Rs. 50,000/- to the Complainants. On the other hand, the case of the Opposite Party is that patient was admitted in the hospital on 02.02.2022 and was discharged on the same day. The case of the Opposite Party is that the patient had deposited Rs. 50,000/- on 31.01.2022. During his admission in the hospital, the case of the patient was discussed and it was planned for palliative CT/RT with Paclitaxel + Carboplatin once in 21 days. Radiation was to be started on 02.02.2022. It is also mentioned in the discharge summary that the patient was admitted for the first cycle D1 of



chemotherapy. It further shows that first cycle D1 of chemotherapy was given on 02.02.2022. It is all shows that on 02.02.2022, the case of the patient i.e. husband of the Complainant No. 1 was discussed and he was also planned for further treatment and on the said date first chemotherapy was given.

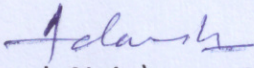
8. The case of the Complainants is that the husband of the Complainant No. 1 has deposited Rs. 50,000/- with the Opposite Party. Their case is that the said amount was deposited for radiation therapy. The receipt issued by the Opposite Party does not show that the said amount was deposited for radiation therapy. The bill issued by the hospital shows that it was deposited on 31.01.2022 and thereafter, on 02.02.2022 the case of the patient was investigated and discussed and on that day fist chemotherapy was also given. Meaning thereby, the expenses during the admission of the patient on 02.02.2022 was adjusted from the amount of Rs. 50,000/- deposited on 31.01.2022. It is not the case of the Complainants that apart from the said amount of Rs. 50,000/- they have also deposited some additional Rs. 50,000/-. The hospital has given the details of the expenses and after deducting the expenses amount of Rs. 6,440/- is still unutilized and is lying with the hospital.
9. In view of the above discussion, we are of the opinion that there is no deficiency of service on the part of the Opposite Parties. Hence, the complaint is dismissed. The Complainants may claim the said amount from the hospital as per procedure.

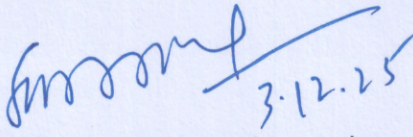


10. Order announced on 03.12.2025.

Copy of this order be given to the parties free of cost

File be consigned to Record Room.

  
(Adarsh Nain) 3.12.25  
(Member)

  
(Surinder Kumar Sharma)  
(President)

