

IN THE DELHI STATE CONSUMER DISPUTES
REDRESSAL COMMISSION

Date of Institution: 09.12.2020

Date of hearing: 05.08.2025

Date of Decision: 12.09.2025

COMPLAINT CASE NO.- 284/2020

IN THE MATTER OF

**ANIL KUMAR SINGH
S/O SH. CHANDRIKA SINGH
R/O D-4/4 DLF, JMD BUILDING, DLF CHOWK, ANKUR
VIHAR, NEAR RAM LILA PARK, U.P**

**PERMANENT ADDRESS-
VILLAGE-BAGODISH, SURIYA, DISTT. GIRIDIH,
PIN-825320, RANCHI, JHARKHAND**

**(Through: Mr. Manish Shukla, Advocate)
.....COMPLAINANT**

VS

**1. ALL INDIA INSTITUTE OF MEDICAL
SCIENCES (AIIMS) , ANSARI NAGAR, NEW DELHI-110029**

**2. DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS)
ANSARI NAGAR, NEW DELHI-110029**

**3. PROF. RAKESH KUMAR (ENT)
ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS)
ANSARI NAGAR, NEW DELHI-110029**

**4. DR. KARAN (ENT)
ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS)
ANSARI NAGAR, NEW DELHI-110029**

**5. MINISTRY OF HEALTH AND FAMILY WELFARE
THROUGH SECRETARY,
NIRMAN BHAWAN, MAULANA AZAD ROAD
NEW DELHI-110011**

(Through: Ms. Sonali Malhotra, Advocate)

...OPPOSITE PARTIES

CORAM:**HON'BLE JUSTICE SANGITA DHINGRA SEHGAL
(PRESIDENT)****HON'BLE MS. PINKI, MEMBER (JUDICIAL)**

Present : Mr. Aditya Shukla and Mr. Manish Shukla, Counsel
for the complainant (Enrl. No. D/7594/2022)
Mobile:7408949808, Email:
msalawchambers@gmail.com)
None for the OP

**PER: HON'BLE DR. JUSTICE SANGITA DHINGRA SEHGAL
(PRESIDENT)****JUDGMENT**

1. The present complaint has been filed by the Complainant before this Commission alleging deficiency of service and unfair trade practice by the Opposite Party and have prayed the following:

“a) Direct the OPs to pay compensation of Rs. 2,00,00,000/- (Rupees Two Crore only) to the complainant for giving life time medical threat and disease to the complainant due to extreme medical negligence and irresponsible surgery conducted without prescribed method and non competent doctor who was newly joined. The compensation to be awarded towards the avoidable life time mental agony and distress caused to the complainant and his family.

b) Direct the OPs to perform further treatment of the complainant for unwanted life threat chest disease/severe pain/heart attack on urgent basis before Good rated Hospital Govts/Private at the cost and peril of the OPs.

c) Any other order or direction which this Hon'ble Court may deem fit, proper and judicious under the circumstances of the case may also be passed”

2. Brief facts necessary for the adjudication of the present Complaint are that the Complainant approached the Opposite Party-Hospital for surgery/treatment of his left ear. The Complainant got himself registered under UHID No.102732726 with the Opposite Party hospital and after meeting with the doctors at the Opposite Party-hospital, 18 month's date was given in advance for conducting an ear surgery on the Complainant and subsequently on 14.08.2018, the Complainant underwent ear surgery. The Complainant has submitted that the Surgery was conducted in the absence of a Senior Doctor, by a new trainee Doctor who had recently entered the medical profession. The aforesaid trainee doctor performed the Surgery in a negligent manner as during the Surgery, he took some portion of skin by making a cut at the area below the Chest, near to the heart, which caused serious pain and heart attack. During the aforesaid surgical procedure, a black colour portion emerged at operation site, above the liver. It is submitted that the Junior Doctor then realized that the surgery went wrong and called the Senior Doctor. The Senior Doctor discharged the Complainant 3 hours post Surgery. Thereafter, day by day, the complications have increased as the Complainant cannot sleep properly. The Complainant has further submitted that he is facing the following complications :

- 1. Blockage in Vein*
- 2. Chest intestine touch bone*
- 3. Two time Hear Attack*
- 4. Invisibility of one rib of Chest, injury to heart valves or blood vessels And Infection*
- 5. Pain 24 Hours*

4. It is further submitted that after surgery, the Complainant was referred to a Senior Doctor but after seeking the cut mark/operation mark at the Complainant's chest are, he was not given further admission for treatment. Secondly, it is submitted that the Complainant was not given the desired

information as regards the line of treatment by the Opposite Party. The Opposite Parties avoided to answer to the queries of the Complainant, as and when asked. Thirdly, it is submitted that the Opposite Parties owed to a duty of care to the Complainant during treatment, however, the Opposite Parties cut his intestine and chest, causing severe pain and heart attack. Lastly, it is submitted that having being diagnosed with severe pain in his chest after the surgery conducted by the Opposite Parties, the Complainant is not keeping well and has suffered many heart attacks on account of the negligence committed in the surgical procedure performed by the Opposite Parties. Aggrieved by the aforesaid conduct of the Opposite Parties, the Complainant has filed the present complaint alleging medical negligence on part of the Opposite Parties.

5. The Opposite Parties have a filed a joint written statement and have stated therein that the Complainant is not a consumer as defined under section 2(1)(d) of the Consumer Protection Act, 1986. Secondly, it is submitted that the Opposite Party No.1-AIIMS is a health care institute in India established by the Government of India for providing better medical facilities to public at large for free of cost, as such it does not charge any money, besides nominal registration fees from the patients. The aim and object of the Opposite Party is to provide better medical facilities to the public at large for free of cost and perform its constitutional duty. Thirdly, it is submitted that due care was taken by the Opposite party in treating the Complainant and no medical negligence or irresponsible treatment was done on part of the Opposite Party. The Opposite party took all the medical precautions to treat the Complainant with full responsibility and did not commit any breach of duty that could have caused any injury to the Complainant. It is further submitted that the surgical wound healed well and the pinna shape was good while the local chest wound also healed without any pain on touch and therefore in view of the aforesaid, no negligence was committed on part of the doctor or the hospital staff.

Fourthly, it is submitted that the ear and chest wound of the Complainant had healed well. However, the Complainant continued to complain about the surgical procedure and sought different opinion of specialists whereupon the Complainant was diagnosed with other health issues viz pulmonary tuberculosis, kidney stone, chronic pain syndrome. Therefore, it shows that the issues of the Complainant have nothing to do with the surgical procedure conducted by ENT department. Lastly, it is submitted that the Complainant was given all the help from ENT department even without proper registration on several dates i.e. on 26.03.2018, 16.08.2018, 21.08.2018 and 06.11.2018 and the allegations in the Complaint that the Complainant was not provided with proper aid and due care is absolutely wrong and misconceived.

6. The Complainant has filed the Rejoinder rebutting the written statement filed by the Opposite Party.
7. Both the parties have filed their Evidence by way of Affidavit in order to prove their averments on record.
8. The parties have filed their brief written arguments and the same have been given due consideration.
9. We have perused the material available on record and heard the counsel for the Complainant.
10. The only question that falls for our consideration is ***whether any negligence can be carved out on the part of the Opposite Parties.***
11. A perusal of the record reflects that the Complainant, Anil Kumar Singh visited the ENT OD for the first time on 10.04.2017 with the complaint of right pinna deformity post a road traffic Accident. The Complainant again visited the hospital on 25.05.2017 to discuss his treatment. The Complainant had discussed his medical problem with Dr. Rakesh Kumar, Professor of Otorhinolaryngology on 26.03.2018. Thereafter, it was planned that a surgical correction i.e. Augmentation of pinna helix deformity using rib cartilage or concha cartilage under general anaesthesia

needs to be performed on the Complainant. The record further reflects that the Complainant was also counselled about the surgery where it was explained to him that the outcome of the surgery may not be as good as normal natural pinna. Thereafter surgery was performed on 14.08.2018 under local anaesthesia, the Complainant was given painkillers, antibiotics and other medications and the surgery was uneventful. The record further reflects that on the same date i.e. on 14.08.2018, the Complainant was referred to Neuro-Psychiatry opinion as he had a head injury and frontal lobe involvement from the accident where the Complainant was operated by neurosurgery to remove blood clot from brain and was put on anti-epileptic treatment for seizure prevention. Other than this, the Complainant was referred to other departments also like plastic surgery, causality and chest physician review, pain clinic, medicine and dermatology since the Complainant had various complaints which were not related to ENT.

12. At this juncture, it is pertinent to remark that a perusal of the contents of the Complaint makes it clear that the Complainant has merely made vague allegations which do not disclose any specific detail to carve out medical negligence against the line of treatment provided. It is to be noted further that the Complainant has failed to carve out any grounds for alleging negligence on the part of the Opposite Parties and has merely made bald averments that the treatment was prolonged and he was given some wrong treatment owing to which he has suffered various ailments like heart attack, chest pain etc. However, a thorough perusal of the Complaint reflects that there is not even a slightest whisper as to administration of which medicines and what treatment carves out a ground for medical negligence. Furthermore, the Complainant has not placed on record any cogent material or expert evidence to show negligence on the part of the Opposite Parties. Even otherwise, there is nothing in favour of the Complainant.
13. Accordingly, in view of the aforesaid discussion, we are constrained to dismiss the present Complaint, with no order as to costs.

14. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
15. The Judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
16. File be consigned to record room along with a copy of this Judgment.

(JUSTICE SANGITA DHINGRA SEHGAL)
PRESIDENT

(PINKI)
MEMBER (JUDICIAL)

Pronounced On:
12.09.2025

L.R.-G.P.K