

Case No 396/2018

Decided on 14.01.2020

Beauty clinics are a blooming industry, while on the other side they are hardly prepared to shoulder the responsibility for any losses to their clients or to follow professional ethics. Here is a case of deficiency in services as well as medical negligence on the part of VLCC, a famous beauty clinic who further indulges into unfair trade practice by denying compensation to the client for the agony she had suffered.

(The District Consumer Disputes Redressal Commission Kolkata)

Law Point

Whether health care centers should mandatory have medical consultant to supervise the clients

Facts of the case

Consumer paid an amount of Rs.2,00,069/- for fat reduction process, i.e., Cool Technique Procedure to the VLCC Health Care Ltd &ors. She was assured that treatment would be conducted under the supervision of medical experts &doctors and there will be no complication during the process. But she sustained burn injuries while undergoing treatment at their clinic. VLCC refused to take any liability and hence the complaint was filed before the consumer forum.

Defense by VLCC

- VLLCC argued that the complainant was well apprised with the entire process, post treatment effect, possible complications and had signed consent form for treatment.

- VLCC had denied the allegations of negligence and deficiency in service on the ground that result of cosmetic treatment may vary from person to person and any post treatment adverse effect does not mean that they had done any negligence while rendering services

Observations & order of Commission

- Commission observed that OP has not been able to prove that any expert or doctor was present at the time of treatment as promised.
- There is also no documentary evidence on record to establish that Mr. Tamal Manna, technician who administered the process is highly qualified and trained to attend on each and every customer a high degree of care.
- Commission also remarked –
"A patient who has been injured by an act of medical negligence has suffered in a way which is recognized by the law-and by the public at large-as deserving compensation. This loss may be continuing and what may seem like an unduly large award may be little more than that sum which is required to compensate him for such matters as loss of future earnings and future cost of medical or nursing care,"
- Commission referred to the landmark judgment of *Indian Medical Association v. VP Shantha & Ors.*, (1995) 6 SCC 651 for the purpose of establishing medical negligence in the present case
- The Commission directed VLCC to refund the amount paid to the tune of Rs2,00,069 by the Complainant for fat reduction process, i.e., Cool Technique Procedure, along with compensation worth Rs. 1,00,000/-. For a case of deficiency in services.