

File No- BMSIC/40030/310-2024/ 4931

Date:- 06/09/2024

Order

M/s Supermax Drugs and Pharmaceuticals Limited having its Head Office at H-1231, DSIDC, Industrial Complex, Narela, Delhi-110040 has participated in Tender No- BMSIC/DRUGS/23-05. The firm signed an agreement on 12.10.2023 for the drug Itraconazole capsule 200mg.

Subsequently, the firm M/s Supermax Drugs and Pharmaceuticals Limited was issued Purchase Order for 200000 Unit of Itraconazole capsule 200mg in P.O. No.- BMSIC/40010/35-2023/9994 dated 20/02/2024, out of which no supply has been received. In light of that, BMSICL issued show cause to the firm by mail dated 02.05.2024, but no supplies have been received. A second show cause notice was issued by mail dated 24.05.2024, but again, no supply and no reply were received. Extension for delivery schedule for the said item was also issued vide letter no. 1712 dated 30.05.2024 for further 10 days, even after that the firm was unable to supply. Final show cause issued to the firm vide letter no. BMSIC/40030/310-2024/2333 dated 20.06.2024 in reference to which no reply and no supply received till today.

Subsequently, the firm M/s Supermax Drugs and Pharmaceuticals Limited was issued Purchase Order for 100000 Unit of Itraconazole capsule 200mg in P.O. No.- 10282400765 dated 29/04/2024, out of which no supply has been received. In light of that, BMSICL issued show cause to the firm by mail dated 09.07.2024, but no supplies have been received. A second show cause notice was issued by mail dated 24.07.2024, but again, no supply and no reply were received. Final show cause issued to the firm vide letter no. BMSIC/40030/310-2024/4218 dated 14.08.2024 in reference to which no reply and no supply received till today. This pattern of behavior places the firm under the purview of a habitual defaulter.

This activity of the firm is adversely affecting the objectives of BMSICL i.e. Free Drugs supply to every patients at all Government Health Facilities in the State of Bihar within the stipulated time period.

Clause 27(C) of the Standard Bidding Document States that, "**BLACKLISTING FOR NON-SUPPLY/ PART SUPPLY/DELAYED SUPPLY/NON-FULFILLMENT OF CONTRACT OBLIGATION:-**

Notwithstanding various actions and penalties for non-supply and/or delayed supply of the drugs and medicines as stipulated in the terms and conditions of the tender, the BMSICL, shall take action against the supplier as follows:

(i) Incase, the supplier is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by BMSICL, further other punitive action such as blacklisting of the firm for a minimum period of 2 years from the date of intimation for blacklisting/debarring.

(ii) Purchase orders, if any, already issued before taking any blacklisting action or orders given in past will not be affected in view of action taken as per above guidelines but all strict quality checks shall be observed for each supply of products.

The blacklisting of particular product or company/firm will be done without prejudice to other penalties which may be imposed as per the conditions of Tender documents and also to other actions which may be initiated under Drugs and Cosmetics Act, 1940 or any other law of Land. BMSICL will display names of such blacklisted product(S) and company/firm on its website for general notice."



Thus, in light of the provisions contained in the tender document, M/s Supermax Drugs and Pharmaceuticals Limited, with its Head Office at H-1231, DSIDC, Industrial Complex, Narela, Delhi-110040, is hereby blacklisted for its quoted drug i.e., **Itraconazole capsule 200mg**, vide Tender No. **BMSIC/DRUGS/23-05** for a period of two (2) years from the date of issue of this order. Additionally, the security deposit for that particular product will be forfeited. The unexecuted Purchase Order No. **P.O. No.- BMSIC/40010/35-2023/9994 dated 20/02/2024** and **P.O. No.- 10282400765 dated 29/04/2024** is hereby cancelled with immediate effect.


04/09/24
(Managing Director)

Memo No. **4931**

Date:- **08/09/2024**

Copy to: The Managing Director, M/s Supermax Drugs and Pharmaceuticals Limited For information and needful action.


04/09/24
(Managing Director)

Memo No. **4931**

Date:- **08/09/2024**

Copy to:

1. The Additional Chief secretary, Department of Health, Govt. of Bihar for kind Information please.
2. Executive Director, State Health Society, Bihar for kind Information please.
3. The CGM (Supply Chain), General Manager (Logistics), General Manager (Finance), BMSICL for information and necessary action. GM (Logistics) is requested to ensure publication of this order on the official website of BMSICL and Notice Board as well.
4. MD, All Medical Corporations and Procurement Agencies all over India for Information and necessary action please.
5. CEO, Government e-Marketplace for information and necessary action please.
6. All Civil Surgeons, Bihar and Superintendents of all Govt. medical colleges and hospitals of Bihar for information and necessary action.


04/09/24
(Managing Director)

