

File No- BMSIC/40010/129-2023/ 4842

Date:- 04/09/2024

Order

M/s ANG Lifesciences India Ltd. having its Head Office at Darbara Complex, First Floor, B-Clock, Ranjit Avenue, Amritsar has participated in Tender No- BMSIC/DRUGS/21-12. The firm signed an agreement on 07.06.2022 for the drug **Lactulose Solution-10 gm/15ml**.

Subsequently, the firm M/s ANG Lifesciences India Ltd. was issued Purchase Order for **75000 units of Lactulose Solution-10 gm/15ml vide P.O. No.- BMSIC/40025/89-2022/1605 dated 30/05/2023, 75000 units of Lactulose Solution-10 gm/15ml vide P.O. No.- BMSIC/40025/89-2022/6929 dated 09/11/2023 & 60000 units of Lactulose Solution-10 gm/15ml vide P.O. No.- 10282400828 dated 29/04/2024. The medicine was not supplied by the firm.**

In view of the above, BMSICL issued show cause to the firm through mail dated 04.08.2023 in reference to which you have replied that *“the product Lactulose solution 10gm/15ml is non-supplied due to scarcity of RM in the domestic market. Due to the raw material market become very unstable & price of raw material hike abnormally. So, we are unable to supply this product.*

Again, second show cause notice issued to the firm through mail dated 31.08.2024 in which firm has replied the same and no supply was received. Consequently, Show cause notice was also issued to your firm by mail dated 09.07.2024 & 23.07.2024 but till today no supply and no reply has been received.

Final show cause was issued to the firm vide letter no.3769 dated 02.08.2024 against which firm has replied that *“the raw material market become very unstable & due to scarcity of RM as well as excipients of the mentioned product the price of raw material hike abnormally. Raw material for production the above cited material i.e. LACTULOSE 10GM/15ML IN 100ML BOTTLE are available with abnormal hike to its regular price with the waiting period of 3 to 4 months”.*

In context of this, the previous PO no. BMSIC/40025/89-2022/9508 dated 25.02.2023 for the 30000 unit of same drug **Lactulose Solution-10 gm/15ml** was cancelled and security deposit was forfeited vide **order no. 8357 dated 09.01.24**, due to non supply. This pattern of behavior places the firm under the purview of a habitual defaulter.

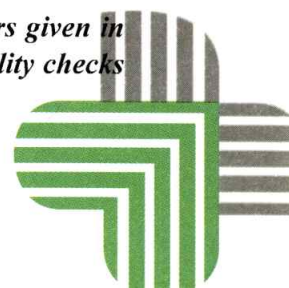
Non supply of this essential drug adversely affect the objectives of BMSICL i.e. Free drug supply to every patients at all Government Health Facilities in the State of Bihar and your reply of this show cause was found to be unsatisfactory. This is the violation of Clause 27(C) of the Standard Bidding Document.

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 ANG Lifesciences India Ltd.**, with its Head Office at Darbara Complex, First Floor, B-Clock, Ranjit Avenue, Amritsar, is hereby blacklisted for its quoted drug, **Lactulose Solution-10 gm/15ml**, vide Tender No. **BMSIC/DRUGS/21-12**, 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. **BMSIC/40025/89-2022/1605 dated 30/05/2023, BMSIC/40025/89-2022/6929 dated 09/11/2023 & 10282400828 dated 29/04/2024** is hereby cancelled with immediate effect.

Memo No. 4842


30/08/24
(Managing Director)
Date:- 04/09/2024

Copy to: The Managing Director, M/s ANG Lifesciences India Ltd. For information and needful action.

Memo No. 4842


30/08/24
(Managing Director)
Date:- 04/09/2024

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.


30/08/24
(Managing Director)

