

File No- BMSIC/40030/154-2024/ 3686

Date:- 01/08/2024

Order

M/s La-Chemico Private Limited having its Head Office at 66/1A, Baithakkhana Road, 1st Floor, Kolkata-700009 has participated in Tender No- BMSIC/DRUGS/21-13 and was awarded the rate contract for the quoted drug **Frusemide Tablet 40mg [D0145]**.

Subsequently, the firm was issued Purchase Order for 400000 units of Frusemide Tablet 40mg, vide Letter No. BMSIC/40025/109-2022/9782 dated 20.02.2024 but the firm was unable to supply.

BMSICL issued show cause to the firm by mail dated 02.05.2024 in reference to which firm has replied that "*We got the order but nothing was informed about our outstanding payment of more than Rs 43,95,000. We can continue our business if payment for supply comes under regular basis*", in response to this BMSICL issued a letter with all details vide letter no. 769 dated 03.05.2024, wherein it was clearly mentioned that "*there is no outstanding pending payment against various Purchase order issued to your firm since 01-04-2012 and you are requested to provide the purchase order wise information of outstanding payment, if applicable*" but till today no reply submitted by the firm on this matter.

Again second show cause notice issued to you through mail dated 24.05.2024 in which the firm has replied the same which was found to be deplorable.

At last Final show cause notice was issued to the firm vide letter no. BMSIC/40030/154-2024/2458 dated 24.06.2024, wherein it was clearly mentioned that "*you are hereby directed to submit your reply within 72 hrs and supply the said drug within fifteen days of receipt of this letter, failing which it shall be presumed that you have nothing to say and accordingly appropriate action i.e., blacklisting for a period of two (02) years for the drug Frusemide Tablet 40mg will be taken against your firm unilaterally as per the provisions of law and the terms and conditions outlined in the tender clause*". But till today no reply has been received.

In consonance of above, the previous PO was cancelled and security deposit was forfeited vide order no. 9518 dated 15.02.24, due to non supply for the same drug.

Non supply of this essential drug adversely affect the objectives of BMSICL i.e. Free Drugs supply to every patients at all Government Health Facilities in the State of Bihar. 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 provision contained in the tender document, the firm, **M/s La-Chemico Private Limited**, situated at 66/1A, Baithakkhana Road, 1st Floor, Kolkata-700009 is hereby blacklisted for its quoted product **Frusemide Tablet 40mg**, vide tender no.- **BMSIC/DRUGS/21-13**, for a period of two (02) years from the date of issue of this order apart from forfeiture of security deposit of that particular product. The unexecuted purchase order No. BMSIC/40025/109-2022/9782 dated 20.02.2024 hereby stand cancelled with immediate effect.

Memo No. 3686

(Managing Director)

Date:- 01/08/2024

Copy to: The Managing Director, M/s La-Chemico Private Limited For information and needful action.

Memo No. 3686

(Managing Director)

Date:- 01/08/2024

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.

(Managing Director)

