

File No.:- BMSIC/40010/47-2023/965

Date: 01/05/2025

Order

M/s Martin & Brown Bio Sciences Pvt Ltd. situated at Village-Malkumajra Opp. Anapurna Hotel, PO Bhud, Tehsil, Baddi District-Solan-173205. has participated in tender reference no.- BMSIC/DRUGS/23-03 and was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40010/47-2023/5429 dated 27-09-2023 for submitting the requisite documents, security deposit, and to execute the Rate-Contract within 19 days from the date of receipt of LoI, i.e by 16-12-2023, for the below mentioned products:-

(i) Calcium Gluconate Injection 100mg/ml 10ml Vial.

(ii) Carboxy methyl cellulose Eye Drop 0.5%w/v 10ml Bottle.

(iii) Gentamicin Injection 40mg/ml 2ml Vial.

Subsequently, the firm, M/s Martin & Brown Bio Sciences Pvt Ltd, was issued Purchase Orders for Calcium Gluconate Injection 100mg/ml 10ml Vial vide P.O No. 9924 dated 20-02-2024, 10282400937 dated 29-04-2024, 10282401538 dated 20-07-2024, 10282402398 dated 19-10-2024 & 10282500094 dated 28-01-2025. The following batches of Calcium Gluconate Injection 100mg/ml 10ml Vial, supplied to Patna, Purnia and Muzaffarpur, warehouses of BMSICL against the above mentioned purchase order, has been declared as 'Not of Standard Quality' as per BMSICL empanelled Quality Testing Laboratories.

S.no	Drugs name	Batch no	Reason
1.	Calcium Gluconate Injection-10ml.	MV24H28	Failed in Description, Sterility Parameter.
2.		MV24H29	Failed in Sterility, Bacterial endotoxins, Particulate matter.
3.		MV24H30	Failed in Description, Sterility Parameter.
4.		MV24B35	Failed in Description, Particulate and Sterility Parameter.
5.		MV24B36	
6.		MV24B38	Suspended Particles observed.
7.		MV24B39	Failed in Description, Particulate matter & Sterility Parameter.
8.		MV24F13	Suspended Particles observed.

BMSICL vide Letter No-5401 dated 20-09-2024, 7015 dated 11-11-2024, 8914 dated 31-12-2024, 9711 dated 20-01-2024 & 10603 dated 04-02-2025 already issued show cause notices regarding above mentioned failed batches of Calcium Gluconate Injection-10ml, against which the reply was received and found to be unsatisfactory.

2. Clause 24 (e) of the Tender Document is relevant for such cases which reads as: "The drugs shall be of standard quality throughout the shelf life period of the item. Samples can be drawn for quality testing periodically throughout the shelf life period. If the sample is declared to be "NOT OF STANDARD QUALITY" or spurious or adulterated or misbranded, such batch / batches will be deemed to be rejected goods and action will be taken as per tender clause."

3. Clause 24(f) of the Tender Document is relevant for such cases which reads as: "If the product/sample fails in quality test, every failed batch shall be taken back by the supplier at their own cost and BMSICL shall not be responsible for any damage during this period".

4. Clause 24 (g) of the Tender Document is relevant for such cases which reads as: "If a sample is found as not of standard quality by the Tender Inviting Authority, the distribution of NSQ batch will be frozen. The bidder will be liable for appropriate action as per the tender conditions and also for other legal actions under the Drugs & Cosmetics Act & Rules. The Tender Inviting Authority, at his discretion may terminate the Contract and in case of such termination, the supplier shall be liable for all losses sustained by the Tender Inviting Authority, which may be recovered from the Security Deposit



made by the Supplier and / or any other money due or becoming due to him. In the event of such amounts being insufficient, the balance may be recovered from the Supplier as per the provisions of Law."

5. Clause 27 B (1) of the Tender Document is relevant for such cases which reads as: "Each and every batch of drugs supplied by the supplier shall be subjected to quality test by the Empanelled laboratories as per the procedure adopted by BMSICL."

6. Clause 27 B (2) of the Tender Document is relevant for such cases which reads as: "If such sample fails in quality test for ASSAY content of less than 50% as per the Government Analyst report, such product of the supplier will be de-registered/debarred for one year."

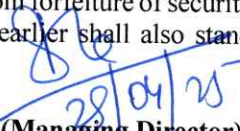
7. Clause 27 B (3) of the Tender Document is relevant for such cases which reads as: "If 3 batches of a particular item supplied by the supplier is reported to be failing in ASSAY content (above 50% but below prescribed limit) and /or other parameters, then the particular item of the firm shall be blacklisted for minimum of two years besides forfeiture of Security Deposit of that particular product(s)."

8. Clause 27 C of the Tender Document is relevant for such cases which reads as: "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."

9. Thus in light of the provisions contained in the tender document, the firm, **M/s Martin & Brown Bio Sciences Pvt Ltd**, situated at Village-Malkumajra Opp. Anapurna Hotel, PO Bhud, Tehsil Baddi District-Solan-173205. is hereby blacklisted for its quoted product **Calcium Gluconate Injection-10ml**, 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 Orders issued earlier shall also stand cancelled.

Memo No. - BMSIC/40010/47-2023/ 965

Copy to: The Managing Director, **Martin & Brown Bio Sciences Pvt Ltd**, for information and action.


(Managing Director)
Date- 01/05/2025

Memo No. - BMSIC/40010/47-2023/ 965

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), BMSIC 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)
Date- 01/05/2025


(Managing Director)

