

File No.:- BMSIC/40030/157-2024/ 964

Date: 01/05/2025

Order

M/s Apple Formulation Pvt Ltd. situated at Plot No. 208, Kh. No-445, Dehradun road, Kishanpur, Roorkee-247667. has participated in tender reference no.- BMSIC/DRUGS/23-16 and was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40030/157-2024/8739 dated 18-01-2024 for submitting the requisite documents, security deposit, and to execute the Rate-Contract within 24 days from the date of receipt of LoI, i.e by 12-02-2024, for the below mentioned products:-

(i) Baclofen Tablet 20mg.

(ii) B-Complex Syrup 200ml bottle.

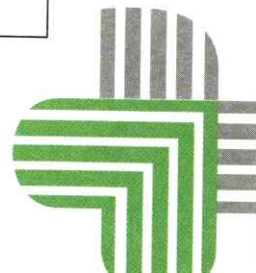
(iii) Dextromethorphan 8mg/5ml Oral Syrup, 60ml bottle.

(iv) Diethylcarbamazine 50mg/5ml Oral liquid, 60ml bottle

Subsequently, the firm, M/s Apple Formulation Pvt Ltd, was issued Purchase Orders for B-Complex Syrup 200ml bottle vide P.O No. 10282401083 dated 30-04-2024, 10282401761 dated 23-07-2024, 10282402569 dated 19-10-2024 & 10282400885 dated 31-01-2025.

The following batches of B-Complex Syrup 200ml bottle, supplied to Patna, Purnia and Muzaffarpur, warehouses of BMSICL against the above mentioned purchase order-10282401083 dated 30-04-2024, has been declared as 'Not of Standard Quality' as per BMSICL empanelled Quality Testing Laboratories & Batch No-BOB-2424, BOB-2451 & BOB-2452. has been declared NSQ by CDL, Kolkata.

S.no	Drugs name	Batch no-	Reason
1	B-Complex Syrup- 200ml bottle.	BOB-2420	Failed in Assay of Vitamin B2 Parameter.
2		BOB-2421	
3.		BOB-2422	
4		BOB-2423	
5		BOB-2424	
6		BOB-2425	
7		BOB-2426	
8		BOB-2427	
9		BOB-2428	
10		BOB-2429	
11		BOB-2430	
12		BOB-2431	
13		BOB-2432	
14		BOB-2433	
15		BOB-2434	
16		BOB-2435	
17		BOB-2436	
18		BOB-2437	
19		BOB-2438	
20		BOB-2439	
21		BOB-2440	
22		BOB-2441	
23		BOB-2442	
24		BOB-2443	
25		BOB-2444	
26		BOB-2445	
27		BOB-2446	
28		BOB-2447	
29		BOB-2448	
30		BOB-2449	



31		BOB-2450	
32		BOB-2451	
33		BOB-2452	
34		BOB-2453	
35		BOB-2454	

BMSICL vide Letter No- 6492 dated 18-10-2024 and 10188 dated 28-01-2024 issued showcase notices 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 Apple Formulation Pvt Ltd**, situated at Plot No. 208, Kh. No-445, Dehradun road, Kishanpur, Roorkee- 247667 Uttarakhand, is hereby blacklisted for its quoted product **B-Complex Syrup 200ml bottle**, 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/40030/157-2024/964

Copy to: The Managing Director, Apple Formulation Pvt Ltd, for information and action.


(Managing Director)

Date- 01/05/2025

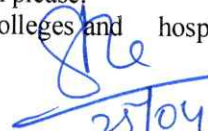
Memo No. - BMSIC/40030/157-2024/964

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)

