

File No- BMSIC/40030/213-2024/8315

Order

M/s Affy Parenterals having its Head Office at N-101, Anupam Apartment, East Arjun Nagar, Delhi-110032 has participated in Tender No- BMSIC/DRUGS/23-05.

The firm M/s Affy Parenterals was declared L1 for the drug Pantoprazole- Inj 40mg/ Vial and was issued a Letter of Intent (LoI) vide letter no. 5378 dated 27.09.2023 for submitting the requisite documents, security deposit and to execute the Rate Contract within 10 days from the date of receipt of the LoI for the quoted drug i.e., Pantoprazole- Inj 40mg/ Vial.

The firm signed an agreement with BMSICL on 17.10.2023. Subsequently, the firm M/s Affy Parenterals was issued Purchase Order for 900000 units of Pantoprazole- Inj 40mg/ Vial vide P.O. No.- 10282500925 dated 25.04.2025, out of which no supply has been received. In light of that, BMSICL issued show cause to the firm by mail dated 30.06.2025 and second show cause notice was issued by mail dated 11.07.2025 in reference to which no reply and supply was received.

In view of that final show cause was issued to the firm vide letter no. BMSIC/40010/213-2024/5189 dated 13.08.2025, against which no reply and no supply has been received. This pattern of behavior places the firm under the purview of a habitual defaulter. This is the violation of clause 27 A and 27 C of the standard bid document.

Again, the firm was issued the purchase order for 600000 units of Pantoprazole- Inj 40mg/ Vial vide PO. NO.-10282501860 dated 24.07.2025, out of which no supply has been received. The firm was then issued show cause notices mail dated 08.10.2025 against which no supply received. This pattern of behaviour places the firm under the purview of a habitual defaulter. This is the violation of clause 27 A and 27 C of the standard bid document.

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

Clause 27 A of the Standard Bid Document stipulates that: -

"If the Tenderer fails to execute the agreement / to deposit performance security / to perform the obligations under the tender conditions / commits default in the performance of the contract/agreement, such Tenderers will be blacklisted for a period of 2 years by BMSICL from the date of intimation besides forfeiture of EMD/Performance Guarantee. The Tenderers who have withdrawn after participating in the tender either fully or partially, the entire firm/company will be blacklisted for a period of 2 years from the date of intimation by BMSICL apart from forfeiture of the Security Deposit/EMD".

Clause 27 C of the Standard Bid Document stipulates 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:

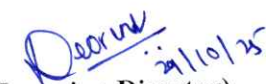
(i) In case, the supplier is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any 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."

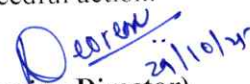
Thus, in light of the provisions contained in the tender document and contract agreement, the firm **M/s Affy Parenterals** having its Head Office at N-101, Anupam Apartment, East Arjun Nagar, Delhi-110032, is hereby blacklisted for its quoted drug i.e., **Pantoprazole- Inj 40mg/ Vial**, vide Tender 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 the particular product shall be forfeited. The unexecuted Purchase Order No. **P.O. No.- 10282500925 dated 25.04.2025 & 10282501860 dated 24.07.2025** is hereby cancelled with immediate effect.


(Managing Director)

Memo No. BMSIC/40030/213-2024/8315

Date: - 29.10.25

Copy to: The Managing Director, **M/s Affy Parenterals** For information and needful action.


(Managing Director)

Memo No. BMSIC/40030/213-2024/8315

Date: - 29.10.25

Copy to:

1. The 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.
7. All the concerned manufacturer having rate contract with BMSICL for information.


(Managing Director)

