

File No- BMSIC/40015/41-2019/9706

Date: - 10/12/2025

Order

M/s Pushkar Pharma, situated at Bhandariwala, Kheri, Kala-Amb-173030, District- Sirmour, H.P. has active Rate contracts of following 07 (seven) products with BMSICL, details of which are as under:-

S.N.	Name of the product	Contract Validity	Tender No.
1	Amoxicillin and Potassium Clavulanate Injection IP - Amoxicillin- 1g, Clavulanic Acid- 200mg.- (1.2 gm vial)	03-07-2025 to 02-07-2027	25-01
2	Atropine Sulphate - 1% w/v Eye Drop	12-06-2025 to 11-06-2027	25-02
3	Bupivacaine Injection 0.5%	28-02-2024 to 28-02-2026	23-16
4	Gentamicin Injection 20mg/ml	19-04-2023 to 18-04-2026	22-02
5	Lignocaine HCL Injection - 2%	10-12-2024 to 09-12-2026	24-05
6	Methylergometrine Injection IP 0.2 mg/mL	19-04-2023 to 18-04-2026	22-02
7	Olopatadine HCL Eye Drop 0.1% w/v	20-03-2023 to 19-03-2026	22-11

Whereas, it was observed that the firm M/s Pushkar Pharma, has been debarred by the Directorate General Armed Forces Medical Services (DGAFMS), Ministry of Defence, Government of India, for a period of two years w.e.f. 15.12.2023 to 14.12.2025 for all products, as per the list of debarred firms/items published by the DGAFMS.

Whereas, despite the said debarment being in force, the firm neither informed BMSICL regarding such action as required under the terms of its executed Rate Contracts and submitted affidavit declaring that "neither our firm/organization nor our quoted products are blacklisted/debarred by the central government/any of the central government agency/ any state government/ any of the state government agency/ any govt. drug procurement agency or by BMSICL. if at any point of time during the rate contract of our firm/organization or our quoted product get blacklisted/debarred by the central government/ any of the central government agency/any state government/ any of the state government agency/ any govt. drug procurement agency during the contract period, it shall be our responsibility to inform BMSICL immediately", which amounts to suppression of material fact and breach of affidavit undertaking, as well as a violation of the tender and rate contract conditions.

As per the provisions of the Standard Bidding Document, the relevant clause is as follows:-

Clause 5(m) of the Standard Bidding Document states that, "Withdrawal or non-compliance of agreed terms and conditions after the execution of agreement will lead to invoking of penal provisions and may also lead to blacklisting of the successful bidder".

Clause 14(d) of the Standard Bidding Document states that, "If at any stage, it is found that the tender has been successfully obtained by the bidder by submitting forged/fabricated certificates/documents/licenses and/or by concealing the fact about blacklisting/debarring/de-registration of the firm by Govt. of India/Suspension/Cancellation/non-renewal of the manufacturing license of the bidder firm, the tender bid/rate contract may be rejected/terminated and suitable punitive action may be taken against the firm".

Clause 27A of the Standard Bidding Document states 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”.

Accordingly, a Show Cause Notice vide letter no. BMSIC/40015/41-2019/8044 dated 16/10/2025 was issued to M/s Pushkar Pharma, in connection with violation of above clauses of the Standard Bidding Document of BMSICL.

In response to the Show Cause Notice, the firm submitted a reply vide ref. No.- PP/2025-26/154 dated 23/10/2025. The firm mentioned that the affidavit submitted by them was truthful and limited to non-blacklisting. The firm in its reply also states about “No Violation of Tender Clauses or Misrepresentation”:

1. The DGAFMS letter referred to in the Notice merely mentions certain products as "it has been observed that hospital have entered into price agreement (PA) or have been procuring item by rate enquiry through DGLP from firms which have been debarred/ banned by this office for business dealing," which does not automatically entail blacklisting or debarment of the firm.
2. There was no element of *mens rea* or suppression of fact, and therefore invoking punitive provisions would be disproportionate.

The reply submitted by the firm has been duly examined and found unsatisfactory and devoid of merit, for the following reasons:

1. The firm's debarment commenced on 15.12.2023, during which time the Rate Contracts of Tender no.- BMSIC/DRUGS/22-11 (signed on 20.03.2023) and Tender no.- BMSIC/DRUGS/22-02 (signed on 19.04.2023) were still valid and operational. As per the affidavit submitted by the firm during agreement, it was obligated to inform BMSICL immediately upon being blacklisted/debarred during the rate contract period. No communication/intimation regarding debarment was made by the firm to BMSICL during the validity period of the aforementioned contracts. Hence, the firm has violated the undertaking furnished in the affidavit for the Rate Contracts
2. Additionally, the firm also executed further agreements for Tender no.- BMSIC/DRUGS/23-16 (signed on 28.02.2024), Tender no.- BMSIC/DRUGS/24-05 (signed on 10.12.2024), Tender no.- BMSIC/DRUGS/25-02 (signed on 12.06.2025) and Tender no.- BMSIC/DRUGS/25-01 (signed on 03.07.2025), all during the debarment period, while declaring itself as *not debarred*. This amounts to submission of false declaration at the time of agreement execution.
3. The rate contract conditions place the responsibility on the firm to immediately inform BMSICL of any such debarment by any government agency, irrespective of whether such information appears in a formal or circular form. The firm failed to do so.
4. The DGAFMS's official list of “Debarred Firms/Items” explicitly records the firm under the category of “debarred/banned for business dealing,” covering *all products* for the specified period (15.12.2023–14.12.2025). Hence, the contention that the letter does not amount to blacklisting or debarment of the firm is factually incorrect.
5. The issue of *mens rea* is immaterial in a contractual administrative action; the concealment of material facts itself justifies blacklisting under Clauses 14(d) and 27(A).

In view of the above mentioned points, the firm is found to have failed to disclose its debarment status during active Rate Contracts, in violation of its affidavit submitted during agreement. It also submitted false declarations while executing subsequent agreements during the period it remained

debarred. This constitutes a clear breach of the affidavit conditions and attracts appropriate administrative and contractual action.

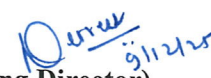
Hence in view of the violation of provisions contained in Clauses of the Tender document & agreement and after due consideration of the facts, records, and firm's reply, **M/s Pushkar Pharma**, situated at Bhandariwala, Kheri, Kala-Amb-173030, District- Sirmour, H.P. is hereby blacklisted for a period of two (02) years from the date of issue of this order. The EMD/Performance Guarantee submitted by the firm for the said item shall also stand forfeited in accordance with the terms and conditions of the contract.


(Managing Director)

Memo No. - BMSIC/40015/41-2019/9706

Date- 10/12/2025

Copy to: The Managing Director, **M/s Pushkar Pharma**, for information and needful action.


(Managing Director)

Memo No.- BMSIC/40015/41-2019/9706

Date- 10/12/2025

Copy to:

1. 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 manufacturers having rate contract with BMSICL for information.


(Managing Director)

