

**ORDER**

**File No. - BMSIC/40030/896-2025/774**

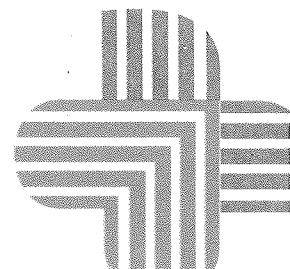
**Date: - 08/05/2026**

The present order is being passed in compliance with the appellate order dated 07.04.2026 passed by the Secretary, Health Department, Bihar in Appeal No. 01-रगो/2026, issued pursuant to the directions of the Hon'ble High Court, Patna in CWJC No. 15082 of 2025. The operative portion of the said Hon'ble High Court, Patna order dated 25.09.2025 reads as under:

*"2. The petitioner has assailed the impugned action of the authorities before the Appellate Authority and it is pending consideration. Simultaneously, writ petition has been filed. The petitioner cannot maintain parallel proceedings. In view of these facts and circumstances, the Appellate Authority is hereby directed to decide the petitioner's appeal within a period of two months from the date of receipt of this order. In the meanwhile, the author of the impugned order dated 10.07.2025 is hereby directed to not to give effect till the Appellate Authority takes a decision for the reasons that there is a legal issue involved in the present lis to the extent that whether Committee has blacklisted the petitioner or not and it is to be decided by the Appellate Authority."*

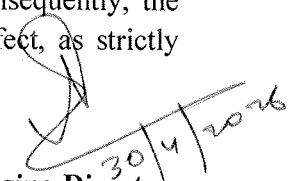
In compliance with the aforesaid direction of the Hon'ble High Court, Patna, the appeal was taken up for consideration by the Secretary, Health Department, Bihar (Appellate Authority). A hearing was conducted on 07.04.2026, wherein the authorized representative and the learned advocate of M/s Kanha Biogenetic, as well as the General Manager (Procurement) on behalf of BMSICL, were present. During the hearing, the firm submitted that they were blacklisted without following the due process outlined in Clause 3.9.3 of the Manual for the Procurement of Drugs & Medical Equipment/Devices Manual, 2018, as no committee was formed prior to initiating the blacklisting process. The firm further argued that the inspection was unannounced and that since no formal agreement was executed or work order issued in their favour by BMSICL, the penalty of blacklisting was disproportionate and violative of the tender terms. The submissions made by the firm and the materials available in the departmental records including the inspection report of the drug inspectors were carefully examined by the Appellate Authority.

Upon consideration, the Appellate Authority observed that while the physical verification revealed that M/s Kanha Biogenetic had not manufactured Albendazole 400 mg Tablet for the past three years and was not producing the drug in accordance with Schedule 'M' of the Drugs and Cosmetics Act, 1940, there were procedural errors in the blacklisting process. It was specifically noted that no formal agreement was executed with the firm nor was any work order issued prior to the issuance of the blacklisting order. The operative portion of the appellate order dated 07.04.2026 passed by the Secretary, Health Department reads as under:



“अतः बी०एम०एस०आई०सी०एल०, पटना के पत्रांक- BMSIC/40030/520-2025/3710 दिनांक-10.07.2025 द्वारा M/S Kanha Biogenetic को आदेश निर्गत की तिथि से दो (02) वर्षों की अवधि के लिए ब्लैकलिस्ट किये जाने से संबंधित आदेश को इस हद तक रद्द किया जाता है। परन्तु सुरक्षित जमा/ई०एम०डी० की जब्ती का आदेश यथावत रहेगा।”

Accordingly, in compliance with the aforesaid appellate order, the blacklisting of M/s Kanha Biogenetic for a period of two (02) years, imposed vide memo no. BMSIC/40030/520-2025/3710 dated 10.07.2025, is hereby revoked with immediate effect. Consequently, the forfeiture of the firm's security deposit/EMD shall remain intact and in effect, as strictly directed by the Appellate Authority.



Managing Director,  
(BMSICL)

