

File No- BMSIC/40030/988-2026/ 4956

Date: -28/09/2026

Order

M/s Nestor Pharmaceuticals Limited, situated at G-1, Ashoka Estate, 24 Barakhamba Road, New Delhi- 110001 has active Rate contracts of Oral Rehydration Salts Powder 20.5gm with BMSICL, details of which are as under: -

Sl. No.	Name of the Product	Tender No.	Rate Contract Validity
1	Oral Rehydration Salts Powder 20.5gm/Sachet	BMSIC/DRUGS/25-11	17.02.2026 to 16.02.2028

Details of Purchase Order

S.N.	Name of Drug	Purchase Order No and date	Quantity	Scheduled Delivery date	Supply Status
1.	Oral Rehydration Salts Powder 20.5gm/Sachet	10282600587 dated 02-04-2026	4,12,28,610	01-06-2026	Not supplied

The firm failed to supply Oral Rehydration Salts Powder 20.5gm/Sachet against Purchase Order No- 10282600587 dated 02-04-2026 by the scheduled delivery date i.e- 01-06-2026. Subsequently, the firm, vide an E-mail dated 04-07-2026, informed BMSICL that Rajasthan Medical Service Corporation Limited had passed an order dated 05-06-2026, debarring M/s Nestor Pharmaceuticals Limited from participation in its procurement process for a period of 18 months in respect of the product Oral Rehydration Salts (ORS) on the ground that the concerned batch was declared Not of Standard Quality on the parameter of the leak test.

It is evident from the records that, the firm not only defaulted on its supply obligations against the issued Purchase Order within the stipulated time line (01-06-2026) but also actively concealed the material fact of its debarment until 04-07-2026.

A perusal of the records reveals that the debarment of M/s Nestor Pharmaceuticals Limited by Rajasthan Medical Service Corporation Limited commenced on 05-06-2026 for a period of 18 months. Despite the enforcement of the said debarment, the firm failed to provide immediate intimation to BMSICL. This omission directly contravenes the terms of the executed rate contract and the sworn affidavit submitted by the firm, 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 the suppression of material facts and breach of the 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/40030/988-2026/4405 dated 10/09/2026 was issued to **M/s Nestor Pharmaceuticals Limited**, 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 E-mail dated 11.09.2026 and 12/09/2026.

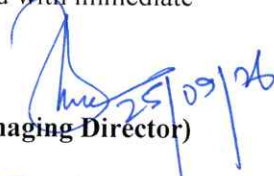
1. The firm contended that the debarment action by Rajasthan Medical Corporation was initiated on 05.06.2026, subsequent to the execution of the BMSICL rate contract, and asserted that they had dully informed BMSICL via email on 04.07.2026 (which was also acknowledged the show cause notice dated 10-09-2026). They further argued that the debarment was an arbitrary action based on a leak test failure, which they have already challenged before the Hon'ble High Court of Rajasthan.
2. The firm expressed confidence in securing a stay from the Rajasthan High Court, claiming their statutory right to demand a conclusive report from CDL Kolkata.
3. The firm argued that since they had neither submitted any forged/fabricated documents nor intentionally concealed any facts regarding the debarment, Clause 14(d) should not be invoked against them, thereby requesting from punitive action.



The reply submitted by the firm alongside the contractual provisions and official records has been duly examined and found to be unsatisfactory and devoid of merit, for the following reasons:

1. The rate contract conditions explicitly place a strict obligation on the supplier to immediately inform BMSICL of any blacklisting or debarment by any government agency. The records establish that the firm's debarment in Rajasthan commenced on 05-06-2026, while the rate contracts with BMSICL (signed on 17-02-2026) were fully active and operational. Despite this, the firm actively concealed this material fact and failed to provide timely intimation to the Corporation. The Firm's argument regarding the arbitrariness of Rajasthan order is immaterial in a contractual administrative action, as the mere concealment of material facts and the failure to provide immediate information regarding the debarment inherently justifies blacklisting under Clauses 5(m), 14(d) and 27 (A) of the SBD. The failure to disclose the debarment status promptly constitutes a clear, undisputed breach of the sworn affidavit conditions and the binding tender framework.

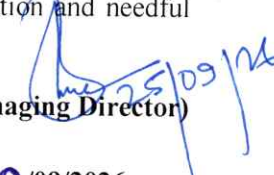
Hence in view of the violation of the provisions contained in the Tender document & the agreement, and after due consideration of the facts, records, and the firm's reply, **M/s Nestor Pharmaceuticals Limited**, situated at G-1, Ashoka Estate, 24 Barakhamba Road, New Delhi- 110001, is hereby blacklisted for Oral Rehydration Salts Powder 20.5gm/Sachet 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 stand forfeited in accordance with the terms and conditions of the contract. Furthermore, the PO No-10282600587 dated 02-04-2026 for Oral Rehydration Powder 20.5gm is hereby cancelled with immediate effect.


(Managing Director)

Memo No. - BMSIC/40030/988-2026/ 4956

Date-28/09/2026

Copy to: The Managing Director, **M/s Nestor Pharmaceuticals Limited**, for information and needful action.

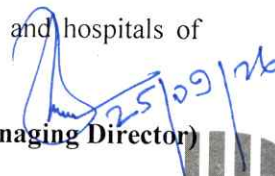

(Managing Director)

Memo No.- BMSIC/40030/988-2026/ 4956

Date-28/09/2026

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 (Admin), General Manager (Logistics), General Manager (Procurement), 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.


(Managing Director)

