

File No- BMSIC/40025/69-2021/6710

Date: -18/11/2022

Order

M/s Ion Healthcare Private Limited, having its head office at Juddikkalan, Baddi, Barotiwala Road, Baddi Solan (H.P.) Pin-173205 has participated in Tender No- BMSIC/DRUGS/20-10 and was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40025/69-2021/9357 dated 04-03-2021 for submitting the requisite documents, security deposit and to execute the Rate-Contract for the said drug within 15 days from the date of receipt of LoI, for the below mentioned products:-

1. Levofloxacin Tablet, 750 mg. (Rs. 2.36/- per Unit). (L-1 Bidder).

Subsequently, the firm M/s Ion Healthcare Private Limited was issued Purchase Order for 30,00,000 units of Levofloxacin Tablet, 750 mg vide letter no. – BMSIC/40025/69-2021/6871 dated 20-12-2021. The firm didn't supply the ordered quantity against above mentioned Purchase Order and hence the firm was issued showcause notice vide mail dated 14-03-2022 & 26-05-2022.

The firm neither supplied the ordered quantity nor replied against the show cause issued by BMSICL.

According to Force Majeure Clause (FMC), "A Force Majeure (FM) means extraordinary events or circumstance beyond human control such as an event described as an act of God (like a natural calamity) or events such as a war, strike, riots, crimes (but not including negligence or wrong-doing, predictable/seasonal rain and any other events specifically excluded in the clause). An FM clause in the contract frees both parties from contractual liability or obligation when prevented by such events from fulfilling their obligations under the contract. An FM clause does not excuse a party's non-performance entirely, but only suspends it for the duration of the FM. The firm has to give notice of FM as soon as it occurs and it cannot be claimed ex-post facto. There may be a FM situation affecting the purchase organization only. In such a situation, the purchase or organization is to communicate with the supplier along similar lines as above for further necessary action. If the performance in whole or in part or any obligation under this contract is prevented or delayed by any reason of FM for a period exceeding 90 (Ninety) days, either party may at its option terminate the contract without any financial repercussion on either side."

Hence, in view of the provisions in Force Majeure Clause, the rate Contract of Levofloxacin Tablet, 750 mg with M/s Ion Healthcare Private Limited, Juddikkalan, Baddi, Barotiwala Road, Baddi Solan (H.P.) Pin-173205 is hereby terminated with immediate effect apart from forfeiture of security deposit. The non-executed purchase orders for Levofloxacin Tablet, 750 mg issued earlier shall also stand cancelled.

(Managing Director)

Memo No. - BMSIC/40025/69-2021/6710

Date: -18/11/2022

Copy to: The Managing Director, M/s Ion Healthcare Private Limited for information and needful action.

(Managing Director)

Memo No. - BMSIC/40025/66-2021/6710

Date: -18/11/2022

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), 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)

