

File No.: BMSIC/55015/03-2018/7051

Date: 02/12/2022

## Order

M/s Unimarck Healthcare Ltd, Plot No-24,25&37, Sector -6A, II E, Sidcul, haridwar, Uttarakhand was declared as L1 bidder for following drug vide tender reference no.- BMSIC/DRUGS/21-03:-

1. Acyclovir Tablet 400 mg @ 5.95/-.
2. Vitamin B Complex Capsule @ 1.9/-.

Accordingly, M/s Unimarck Healthcare Ltd was issued a Letter of Intent (LoI) vide Letter No. - BMSIC/40025/257-2021/5274, dated 09-10-2021 for submitting the requisite documents, security deposit and to execute the Rate-Contract for the said drug. Subsequently, the firm M/s Unimarck Healthcare Ltd was issued Purchase Orders for above said drugs vide letter no. 7077 dated 24-12-2021, 7497 dated 05-01-2022, 8250 dated 29-01-2022, 942 dated 12-05-2022 & 3502 dated 27-08-2022.

As per complaint received from various health institutions moisture and leakage was found in the following batches of Vitamin B Complex Capsule supplied by the firm M/s Unimarck Healthcare Ltd to Muzaffarpur, Purnia & Fatuha warehouses of BMSICL against above mentioned purchase orders:-

S.no	Batch No.	Name of the Drug
1	UGC22003	Vitamin B Complex Capsule
2	UGC22004	
3	UGC22005	
4	UGC22018	
5	UGC22019	
6	UGC22020	
7	UGC22021	
8	UGC22047	
9	UGC22048	
10	UGC22049	
11	UGC22046	
12	UGC22130	
13	UGC22131	
14	UGC22113	
15	UGC22022	
16	UGC22045	
17	UGC22152	

Hence the firm M/s Unimarck Healthcare Ltd was issued showcause notice vide BMSICL Letter No- BMSIC/55015/03-2018/4783 dated 11-10-2022, 5008 dated 18-10-2022 & 6046 dated 20-10-2022.

As per complaint received from Mr. V. Shiromani, drugs Inspector, East Champaran-01 & 05 (Motihari), Bihar **Batch No-UGC22045 of Vitamin B Complex Capsule** supplied by Unimarck Healthcare Ltd to Muzaffarpur warehouse of BMSICL against referred purchase order has been allegedly found to be **Adulterated & Misbranded.**

This is also to state that **Batch No-UGC22141 & UGC22144 of Vitamin B Complex Capsule** supplied by Unimarck Healthcare Ltd to Fatuha warehouse of BMSICL against referred purchase order has been allegedly found to be **degraded** as per complaint received from various health institutions and hence BMSICL vide letter no- 6399 dated 08-11-2022 again issued showcause notice to the said firm.

**Batch no- UGC22048 & UGC22022 was declared Not of Standard Quality by Government Analyst, RDTL, Guwahati** vide letter no- 6359 & 6362 dated 02-11-2022 respectively. In description, it is mentioned that, *"Intact capsules could not peel off from the blister due to sticky nature of the product inside. It is observed that all the capsules were seriously adhered to the wall of the blister and found to be a paste like masses instead of hard gelatin capsules."*

Clause 27. B. 5 of the Tender Document is relevant for such cases which reads as, *"If a single batch of any product(s) supplied by the company/firm declared as Adulterated/spurious/ Misbranded by the Government Authorities during the shelf life of the product supplied irrespective of tender period, the company/firm shall be blacklisted for a period of 2 years from the date of intimation & forfeiture of security deposit."*



587

Clause 24(e) of the Tender Document is relevant for such cases which read as: "The drugs shall be of standard quality throughout the shelf life period of the item. Samples can be drawn for quality testing periodically throughout the shelf life period. If the sample is declared to be "NOT OF STANDARD QUALITY" or spurious or adulterated or misbranded, such batch / batches will be deemed to be rejected goods and action will be taken as per tender clause."

Clause 24(f) of the Tender Document is relevant for such cases which read as: "If the product/sample fails in quality test, every failed batch shall be taken back by the supplier at their own cost and BMSICL shall not be responsible for any damage during this period".

Clause 24(g) of the Tender Document is relevant for such cases which read as: "If a sample is found as not of standard quality by the Tender Inviting Authority, the distribution of NSQ batch will be frozen. The bidder will be liable for appropriate action as per the tender conditions and also for other legal actions under the Drugs & Cosmetics Act & Rules. The Tender Inviting Authority, at his discretion may terminate the Contract and in case of such termination, the supplier shall be liable for all losses sustained by the Tender Inviting Authority, which may be recovered from the Security Deposit made by the Supplier and / or any other money due or becoming due to him. In the event of such amounts being insufficient, the balance may be recovered from the Supplier as per the provisions of Law."

Clause 27 C of the Tender Document is relevant for such cases which reads as: "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 the firm, M/s Unimarck Healthcare Ltd, Plot No-24,25&37, Sector -6A, II E, Sidcul, haridwar, Uttarakhand is hereby blacklisted for its quoted product Vitamin B Complex Capsule for a period of two (02) years from the date of issue of this order apart from forfeiture of security deposit. The unexecuted Purchase Orders for Vitamin B Complex Capsule issued earlier shall also stand cancelled.

Memo No. -BMSIC/55015/03-2018/ 7051

Copy to: The Managing Director, Unimarck Healthcare Ltd, for information and action.

(Managing Director)  
Date-02/12/2022

Memo No. -BMSIC/55015/03-2018/ 7051

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), BMSIC 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 college and hospitals of Bihar for information and necessary action.

(Managing Director)