

File No.:- BMSIC/40025/22-2021/8897

Date: 24/01/2024

**Order**

M/s Pushkar Pharma, situated at Bhandariwala, Kheri, Kala -Amb-173030, District-Sirmour, HP, participated in tender reference no.- BMSIC/DRUGS/20-08 and was awarded Rate Contract for Sodium Bicarbonate Injection 7.5%w/v, 50 ml.

Subsequently, the firm, was issued Purchase Orders for above said item vide Letter No. 10044 dated 25-03-2022, 7007 dated 01-12-2022, 9120 dated 20-02-2023 & 6948 dated 09-11-2023.

Furthermore, the following batches of Sodium Bicarbonate Injection 7.5%w/v, 50 ml supplied to BMSICL against the above mentioned purchase orders, has been declared as 'Not of Standard Quality' as per BMSICL empanelled Quality Testing Laboratories test report.

SI No	Drug Code	Drug Name	Batch No	Name of the Supplier	Reason of Failure
1	D0266	Sodium Bicarbonate Injection IP	NAB-225A	M/s. Pushkar Pharma	Failed in Particulate matter (visual) & sterility Parameter, as per IP.
2	D0266		NAB-227A		
3	D0266		NAB-222A		Failed in Particulate matter Parameter
4	D0266		NAB-224A		Failed in Particulate matter Parameter
5	D0266		NAB-221A		Failed in Particulate matter Parameter
6	D0266		NAB-228A		Failed in Particulate matter (visual) & sterility Parameter, as per IP.

BMSICL vide Letter No- 3352 dated 25-07-2023, 4171 dated 16-08-2023 & 4479 dated 28-08-2023 issued showcause notices against which reply has not been received.

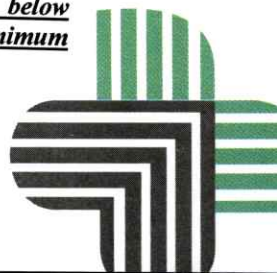
Clause 24 e of the Tender Document is relevant for such cases which reads as: ***"The MEDICAL DEVICES/CONSUMABLE shall be of standard quality throughout the shelf life period of the item. Samples can be drawn for quality testing periodically throughout the shelf life period. If the sample is declared 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 reads 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 reads 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 B (1) of the Tender Document is relevant for such cases which reads as: ***"Each and every batch of MEDICAL DEVICES/CONSUMABLE supplied by the supplier shall be subjected to quality test by the Empanelled laboratories as per the procedure adopted by BMSICL."***

Clause 27 B (3) of the Tender Document is relevant for such cases which reads as: ***"If 3 batches of a particular item supplied by the supplier is reported to be failing in ASSAY content (above 50% but below prescribed limit) and /or other parameters, then the particular item of the firm shall be blacklisted for minimum of two years besides forfeiture of Security Deposit of that particular product(s)."***



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 in light of the provisions contained in the Standard Bidding Document, the firm, **M/s Pushkar Pharma**, situated at Bhandariwala, Kheri, Kala –Amb-173030, District-Sirmour, HP, is hereby blacklisted for its quoted product Sodium Bicarbonate Injection 7.5%w/v, 50 ml for a period of two (02) years from the date of issue of this order apart from forfeiture of security deposit of that particular product. The unexecuted Purchase Orders issued earlier shall also stand cancelled.

Memo No. :- BMSIC/40025/22-2021/

Sd/-  
(Managing Director)  
Date: - / /2024

Copy to: The Managing Director, M/s Pushkar Pharma, for information.

Memo No. :- BMSIC/40025/22-2021/ 8897

Sd/-  
(Managing Director)  
Date: 24 / 01 /2024

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 colleges and hospitals of Bihar for information and necessary action.

  
(Managing Director)

