

File No.:- BMSIC/40025/199-2021/

Date: - / /2024

Order

M/s Kras Pharmaceuticals Pvt Ltd, C-15, Phase-II, Industrial Area, Fatuha -803201, Patna, Bihar, had participated in Tender Reference No.- BMSIC/DRUGS/21-05 and was awarded the Rate Contract of Paracetamol Tablet IP 500mg.

Subsequently, the firm, was issued Purchase Orders for above mentioned drug, vide Letter No. 5212 dated 07-10-2021. BMSICL again issued a Purchase Order for above mentioned drug; vide Letter No- 8972 dated 18-02-2022, 750 dated 29-04-2022, 7014 dated 01-12-2022, 7711 dated 03-01-2023, 9476 dated 25-02-2023, 1484 dated 29-05-2023 & 3780 dated 08-08-2023

Furthermore, the following batches of Paracetamol Tablet IP 500mg, supplied to BMSICL by the firm against the above mentioned purchase orders, has been declared as 'Not of Standard Quality' as per test report of BMSICL empanelled Quality Testing Laboratories

SI No	Drug Code	Drug Name	Batch No	Reason of Failure
1	D0230	Paracetamol Tablets IP 500mg	23T06062	Failed in Dissolution Parameter
2	D0230		23T06044	
3	D0230		23T06046	
4	D0230		22T06038	
5	D0230		22T06066	
6	D0230		22T06067	
7	D0230		22T06040	
8	D0230		22T06062	
9	D0230		22T06042	
10	D0230		22T06065	
11	D0230		22T06068	
12	D0230		22T06041	
13	D0230		22T06057	
14	D0230		22T06064	

BMSICL issued show cause notices to the firm, vide Letter No- 6275 dated 01-11-2022, 7359 dated 13-12-2022, 5616 dated 04-10-2023 & 7187 dated 21-11-2023, against which the reply has not been received.

Clause 24 e of the Tender Document is relevant for such case which reads as: ***"The drug 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 case 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 case 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 drugs/medicines 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."**

Hence, in view of the provisions contained in the Standard Bid Document, the firm, **M/s Kras Pharmaceuticals**, C-15, Phase-II, Industrial Area, Fatuha -803201, Patna, Bihar, is hereby blacklisted for its quoted product Paracetamol Tablet IP 500mg 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.

Sd/-

(Managing Director)

Date: - / /2024

Memo No. :- BMSIC/40025/199-2021/

Copy to: The Managing Director, M/s Kras Pharmaceuticals, ^{Prvt Ltd.} C-15, Phase-II, Industrial Area, Fatuha -803201, Patna, Bihar, for information.

Sd/-

(Managing Director)

Date: 24/ 01 /2024

Memo No. :- BMSIC/40025/199-2021/ 8931

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)

