

Order

**M/s Apple Formulations Pvt Ltd**, having its head office at, Plot No.208, Kh. No.-445 Dehradun Road, Kishanpur, Roorkee-247667, Uttarakhand has participated in Tender No- **BMSIC/DRUGS/20-10** and was issued a Letter of Intent (LoI) vide letter no.- BMSIC/40025/58-2021/9561 dated 09-03-2021 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:-

- (i) Amlodipine Tablets, 2.5mg.
- (ii) Fluconazole tablet, 150mg.
- (iii) Glimepiride, 1 mg, Tablet.
- (iv) Glimepiride Tablet, 2 mg.
- (v) Levocetirizine Dihydrochloride, 5 mg, Tablet.
- (vi) Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle.
- (vii) Miconazole Cream, 2%/w/w, 15gm Tube.
- (viii) Telmisartan, 20 mg, Tablet.
- (ix) Zinc Sulphate Oral Solution, 20mg/5ml, 100 ml Bottle.

2. Subsequently, M/s Apple Formulations Pvt Ltd was issued Purchase Orders for above mentioned drug items vide PO No. – 4185 dated 03-09-2021; PO No-6802 dated 16-12-2021: PO No-3594, dated 30-08-2022; PO No-2083 dated 25-06-2022 & PO No-6238 dated 28-10-2022. The firm didn't supply the ordered quantity of Fluconazole Tablets 150 mg against PO No-6802 dated 16-12-2021: PO No-2083 dated 25-06-2022; PO No-3594, dated 30-08-2022 & PO No-6238 dated 28-10-2022 and for Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle against PO No- 2083 dated 25-06-2022.

3. The firm, M/s Apple Formulations Pvt Ltd has not supplied Fluconazole Tablet 150mg & Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle in spite of repeated show cause issued by BMSICL dated 14-03-2022, 06-04-2022, 03-09-2022, 29-09-2022, 12-11-2022 respectively.

In view of the above, M/s Apple Formulations Pvt Ltd has requested that “ they are regular supplier of drugs to BMSICL but due to FMC condition and non-availability of raw materials of Fluconazole and Metronidazole were not able to supply the full quantity as the main source of various raw materials and intermediates from China. Fluconazole tablet 150mg LOI quantity was 40,00,000 tablet and the firm supplied 598800 tablets and Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle LOI quantity was 960000 bottle and the firm supplied 400015 bottles. The firm has mentioned about the FMC clause issued by Govt of India based on which the firm has expressed inability to supply the medicines without availability of raw materials. The firm has discussed about the judgement of Hon'ble Supreme Court of India in connection with COVID-19 pandemic situation. At present all circumstances created by COVID-19 pandemic I, II & III wave the supply of these medicines became difficult and firm requested to terminate these items i.e. Fluconazole Tablet 150mg & Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle. But not to do blacklist.”

4. BMSICL issued last show cause on dated 21-01-2023, but the firm did not reply within the stipulated time frames. The firm has not supplied the said drugs to BMSICL. which is a condition of Non-Supply related issues.

Clause 27 C of the Tender document for such cases which read as “ **BLACKLISTING FOR NON-SUPPLY/ PART SUPPLY/DELAYED SUPPLY/NON-FULFILLMENT OF CONTRACT OBLIGATION:** -Notwithstanding various actions and penalties for non-supply and/or delayed supply



of the drugs and medicines as stipulated in the terms and conditions of the tender, the BMSICL, shall take action against the supplier as follows-

- i "In case, the supplier is found to be habitual defaulter of delayed supply or not supplying the full quantity in time, the balance amount of performance security of such company shall be forfeited. No further supply order shall be given to them and company shall be barred from participating in any tender floated by BMSICL, further other punitive action such as blacklisting of the firm for a minimum period of 2 years from the date of intimation for blacklisting/debarring.

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."

5. Hence, in view of the provisions in Standard Bidding Document, M/s Apple Formulations Pvt Ltd, Plot No.208, Kh. No.-445 Dehradun Road, Kishanpur, Roorkee-247667, Uttarakhand is hereby Blacklisted for its quoted product Fluconazole Tablet 150mg & Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle for a period of two years from the date of issuance of this order apart from forfeiture of security deposit. The non-executed purchase orders for Fluconazole Tablet 150mg & Metronidazole Benzoate Oral suspension, 40mg/ml, Suspension, 60 ml bottle issued earlier shall also stand cancelled.

  
Managing Director

File No- BMSIC/40025/58-2021/9174

Date: - 21/02/2023

Copy to: The Managing Director, M/s Apple Formulations Pvt Ltd for information and needful action.

  
Managing Director

File No- BMSIC/40025/58-2021/ 9174

Date: - 21/02/2023

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

