

**Order**

M/s **Pushkar Pharma**, having its head office at, Bhandariwala, Kheri, Kala-Amb-173030, District-Sirmour, HP has participated in Tender No-**BMSIC/DRUGS/21-12** and was issued a Letter of Intent (LoI) vide letter no.-BMSIC/40025/96-2022/800 dated 02-05-2022 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) Cefotaxime Injection 125 mg Dry powder Injection Vial.
- (ii) Lignocaine Hydrochloride and Adrenaline Bitartrate Injection [Lignocaine 20mg/ml +Adrenaline 0.01mg/ml] 30ml vial.
- (iii) Promethazine Injection 25mg/ml 1 ml Vial.

Subsequently, M/s **Pushkar Pharma** was issued Purchase Orders to supply 15000 units of Promethazine Injection 25mg/ml 1 ml Vial vide PO No-2081 dated 25-06-2022.

The firm, M/s **Pushkar Pharma** has not supplied the ordered Promethazine Injection 25mg/ml 1 ml Vial in spite of repeated show cause issued by BMSICL dated 21-01-2023, 29-09-2022 respectively.

In view of the above, M/s **Pushkar Pharma** has requested to change the pack size to 1ml vial to 1ml Ampoule. BMSICL has floated the tender for the procurement of Promethazine Injection 25mg/ml 1 ml Vial and the LoI was also issued for the supply of the same. Further the firm executed the agreement for the same drug and accordingly Purchase Order was issued. But currently the firm is denying to supply the ordered items which is violation of the Clause of bid documents.

BMSICL issued the 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. This is a matter of Non-Supply related issues.

Clause 27 C of the Tender document is relevant 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:-

“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.”

Hence, in view of the provisions in Standard Bidding Document, M/s Pushkar Pharma Bhandariwala, Kheri, Kala-Amb-173030, District-Sirmour, HP is hereby Blacklisted for its quoted product Promethazine Injection 25mg/ml 1 ml Vial 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 Promethazine Injection 25mg/ml 1 ml Vial issued earlier shall also stand cancelled.

  
**Managing Director**

File No- BMSIC/40025/96-2022/9173

Date: -21/02 /2023

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

  
**Managing Director**

File No- BMSIC/40025/96-2022/9173

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**

