

File No- BMSIC/40010/134-2023/1910

Date:- 10/06/2024

Order

M/s Ridley Life Sciences Pvt. Ltd. having its Head Office at D-1651, DSIDC, Industrial Complex Narela, New Delhi-110040 has participated in **Tender No- BMSIC/DRUGS/21-12 & Tender No- BMSIC/DRUGS/22-10** and was awarded the rate contract for the quoted drugs i.e., Tramadol IP100mg SR tablet & Zinc Sulphate Dispersible Tablet 20mg.

Subsequently, the firm was issued Purchase Order for 9000000 units of Zinc Sulphate Dispersible Tablet 20mg, vide **Letter No. BMSIC/40025/51-2022/4267 dated 20.09.2022** against which three batches i.e., **Batch no- RT230053, RT230055 & RT230056** supplied by the firm to Patna & Purnia warehouse of BMSICL has been found to be '**Not of Standard Quality**' as per BMSICL empanelled Quality Testing Laboratory test report. In light of this, a show cause Notice regarding failed batch of Zinc Sulphate Dispersible Tablet 20mg was issued to the firm vide letter no. 4332 dated 21.08.2023, but till today no reply has been received. This is the violation of Clause 24(e), 24(f), 24(g) and 27 B (3) of the Standard Bidding Document, which read as follows: -

1. Clause 24(e)- *"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"*.
2. Clause 24(f)- *"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"*.
3. Clause 24(g)- *"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"*.
4. Clause 27 B(3)- *"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)"*.

2. The firm was issued Purchase Order for 1320000 units of Zinc Sulphate Dispersible Tablet 20mg, vide **Letter No. BMSIC/40025/51-2022/9822 dated 20.02.2024**, 750000 Unit of Tramadol IP100mg SR tablet vide **Letter No. BMSIC/40025/97-2022/6952 dated 09.11.2023** & 600000 Unit of Tramadol IP100mg SR tablet vide **Letter No. BMSIC/40025/97-2022/9783 dated 20.02.2024**. The firm did not supply the ordered quantity within stipulated time of 60 days.

In view of the above, BMSICL issued show cause to the firm vide mail dated 12.01.2024 and 02.05.2024 for the drug Tramadol IP100mg SR tablet, for the above mentioned 2(two) PO and mail dated 02.05.2024 for the drug Zinc sulphate Dispersible Tablet 20mg for above mentioned 1(one) PO, but as of today, the firm has not replied to the show cause notice.

Subsequently, second show cause was issued to the firm vide mail dated 05.02.2024 and 22.05.2024 for the drug Tramadol IP100mg SR tablet for the above mentioned 2(two) PO and mail



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dated 22.05.2024 for the drug Zinc sulphate Dispersible Tablet 20mg for above mentioned 1(one) PO, but as of today, the firm has not replied to the show cause notice. Till today no supply has been received.

3. The said purchase order was issued on 09.11.2023 and 20.02.2024 and non supply of this essential drug adversely affect the objectives of BMSICL i.e. Free Drugs supply to every patients at all Government Health Facilities in the State of Bihar. This is the violation of Clause 27(C) of the Standard Bidding Document.

Clause 27(C) of the Standard Bidding Document States that, "**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.*

*(ii) Purchase orders, if any, already issued before taking any blacklisting action or orders given in past will not be affected in view of action taken as per above guidelines but all strict quality checks shall be observed for each supply of products.*

*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."*

4. Thus in light of the provision contained in the tender document, the firm, **M/s Ridley Life Sciences Pvt. Ltd.**, situated at Head Office at D-1651, DSIDC, Industrial Complex Narela, New Delhi-110040 is hereby blacklisted for its quoted product **Zinc Sulphate Dispersible Tablet 20mg, vide tender no.-BMSIC/DRUGS/22-10**, 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 order No. **BMSIC/40025/51-2022/4267 dated 20.09.2022** hereby stand cancelled with immediate effect.

5. Again, in view of the provisions contained in Standard Bid Document, the non executed Purchase Order No. BMSIC/40025/51-2022/9822 dated 20.02.2024, BMSIC/40025/97-2022/6952 dated 09.11.2023 & BMSIC/40025/97-2022/9783 dated 20.02.2024, vide tender no. BMSIC/DRUGS/22-10 and BMSIC/DRUGS/21-12 issued to M/s Ridley Life Sciences Pvt. Ltd., Head Office at D-1651, DSIDC, Industrial Complex Narela, New Delhi-110040, hereby stand cancelled with immediate effect, apart from forfeiture of security deposit submitted for Tramadol IP100mg SR tablet & Zinc Sulphate Dispersible Tablet 20mg.

  
(Managing Director)

Date:- 10/06/24

Memo No. BMSIC/40010/134-2023/1910



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Copy to: The Managing Director, M/s Ridley Life Sciences Pvt. Ltd. For information and needful action.

  
(Managing Director)

Date:- 10/06/24

Memo No. BMSIC/40010/134'-2023/1910

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)

