

File No- BMSIC/40030/154-2024/8518

Date:- 15.02.24

Order

M/s **La-Chemico Private Limited** having its Head Office at 66/1A, Baithakkhana Road, 1st Floor, Kolkata-700009 has participated in Tender No- BMSIC/DRUGS/21-13 and was awarded the rate contract for the quoted drug **Frusemide Tablet 40mg [D0145]**.

Subsequently, the firm was issued Purchase Order for 550000 units of Frusemide Tablet 40mg, vide Letter No. BMSIC/40025/109-2022/1437 dated 26.05.2023. 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 04.08.2023 but no reply has been received.

Subsequently, second show cause was issued to the firm vide mail dated 31.08.2023 against which firm has replied that "We are a small SSI/MSME Unit supplying to BMSICL since past few years. Our supplies to BMSICL have been uninterrupted in the past years. During the past years we have successfully completed our supply and maintained all terms and conditions according to your orders. A good business relationship has grown among us and we always tried to keep our commitment regarding supply of quality medicines in time. But a very crucial situation has been arose after the World Pandemic "Covid-19" which was beyond our control. Almost 100% MSME in the world are suffering the huge financial losses due to worldwide inflation for Covid-19. However we are trying to recover our self to meet our commitment for supply our quality drugs but suddenly a big fire accident took place in our quality department along with part of our Production Department. Almost total valuable equipments documents furniture have been destroyed. As a result we were in a big trouble to keep our commitment given to you after a successful business period of past years between us. Further there was a fire accident at our factory for which our production was stopped for many days. This situation was unexpected and beyond our control. So please consider the same as a force majeure Situation. We have already informed our State Drug Control Office regarding the above accident and prayed to cooperate with us during such bad times. We are a West Bengal based S.S.I. manufacturing firm and losing of business is a great blow for our survival and hence we pray to you not to pass the Order for blacklisting our firm because once the firm is blacklisted; we will face an irreparable loss of supplying the drug to your esteemed organization as well as other organizations across the country." Till today no supply has been received.

Final show cause notice was issued to the firm vide letter no. BMSIC/40030/154-2024/8570 dated 12.01.2024, against which no reply has been received.

The said purchase order was issued on 26.05.2023 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.”


Hence, in view of the provisions contained in Standard Bid Document, the non executed Purchase Order No. BMSIC/40025/109-2022/1437 dated 26.05.2023, issued to **M/s La-Chemico Private Limited**, Head Office at 66/1A, Baithakkhana Road, 1st Floor, Kolkata-700009, hereby stand cancelled with immediate effect apart from forfeiture of security deposit submitted for **Frusamide Tablet 40mg**.


(Managing Director)

Memo No. 9518

Date:- 15-02-24

Copy to: The Managing Director, M/s La-Chemico Private Limited For information and needful action.



(Managing Director)

Memo No. 9518

Date:- 15-02-24

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)

