

**Minutes of Financial Committee Meeting for Evaluation of Financial Bid for Tender No. BMSIC/2021-22/ME-226 held on 07<sup>th</sup> December 2021 at Conference hall of BMSICL, Patna**

1. Attendance- as per the attendance register.

2. In the TEC meeting held on 01/11/2021 the committee recommended to open the financial bid of the following technically qualified bidders for the equipment ABG machine (Reagent Type)

Sl. No.	Name of Equipment	Name of Qualified Bidders	Status
1	ABG Machine (Reagent Based)	M/s POCT Services	Technically Qualified
		M/s CL Micromed Pvt. Ltd.	Technically Qualified

3. In the financial committee meeting was held on 02/11/2021, the rates quoted by all the technically qualified bidders were found as below and accordingly the bid ranking was declared as following:-

Sl. no	Name of Equipment	Name of Bidder	Unit Price (INR Rs.) (Exc. Taxes)	Ranking Price {Unit Price + Total Cost of Reagent for 15000 Test (10 per day x 25 day x 12 month x 5 years) with one times ON & OFF} Exc. Taxes (INR Rs.)	Remarks
1.	ABG Machine (Reagent Based)	M/s POCT Services	6,35,000/-	21,46,604 /-	L1
		M/s CL Micromed Pvt. Ltd.	5,00,000/-	26,52,248 /-	L2

4. In the said meeting, the committee recommended to ask from the L-1 bidder for price justification of its quoted product before issuing Award of contract. Accordingly in order to get the best price from L1 bidder for their quoted price, the financial committee meeting was held today as per schedule. During the meeting, L-1 firm **M/s POCT Services** through its representative (Mr. Vinay Mishra) justified their quoted price as the lowest rate vis-à-vis their other clients for the above said equipment and submitted the supporting documents (**attached herewith**). The comparative chart is as follows:-

**Equipment Justification**

SL. No.	Name of Institution	Detail of Supply Order	Unit Rate of Equipment (without GST)
1	BMSICL	---	Rs. 6,35,000/-
2	M.L.N Medical College Prayagraj	P.S /2020/9042 dt- 27/08/2020	Rs. 7,28,000/-

**Reagent & Consumables Justification**

SL. No.	Name of Institution	Detail of Supply Order	Name of Reagent /Consumables	Pack Size	Rate Per ml	Rate Per ml (With Taxes)
1	BMSICL	---	Rinse	600 ml	20.53	22.99
			Cal 1	200 ml	77.71	87.03
			Cal 2	200 ml	52.5	58.8
			Cleaning Solution	175 ml	80.73	90.41
			Gas 1	1 Bottle	19100	22538
			Gas 2	1 Bottle	19100	22538
			Thb Calibration	ample	8750	9800
			Paper Roll	pieces	100	118
2.	Govt. Medical College Banda	2021-19/PUR-MED/2021-22, dt- 20/04/2021	Rinse	600 ml	---	27.72
			Cal 1	200 ml	---	80.08
			Cal 2	200 ml	---	80.08
			Cleaning Solution	175 ml	---	91.52
			Gas 1	1 Bottle	---	28556
			Gas 2	1 Bottle	---	28556

Regarding Thb Calibration & Paper Roll the firm will provide the affidavit regarding lowest price quoted in the price bid.

5. During the meeting, the clarification of the L-1 firm against the representation of the L-2 firm was also discussed as following:-

Sl.No.	Representation of the L2 Firm	Clarification given by L1 Firm
1	<p>In the financial bid bidder have declared the consumption of calibration solutions CAL 1 (200ML) and cal 2 ( 200ML) which is 3000 ml each for five years it means they are saying that after installing the bottle in the machine it will last at least 4 months . but as per their own reference manual ( proof attached ) it is clearly stated that the cal1 solution will last only 4 weeks ( less than 1 month ) after installation and cal 2 will last only 8 weeks ( less than 2 months ) . This clearly shows that as per the manufacturers recommendation the bidder need to quote at least 60 bottles of cal1 and 30 bottles of cal2 instead of quoting only 15 bottles each in the BOQ</p>	<p>The firm clarify that we have quoted the quantity exactly as per the bid instructions and requirements. As per the calculation provided in our BOQ total 3000 ml of Cal 1 and Cal 2 solutions respectively will be required for conducting 15000 tests as demanded in the specifications. We would like to quote the following Specification Number 12 of the technical specifications document of the tender:-</p> <p><b>“Cost of 15000(10 per day x 25 days x 12 months x 5 years) tests along with the price of startup and shutdown consumption of reagents and other reagents (Cleaner/Washer/Diluent/Kits/Calibrator, QCs (Positive control and Negative control required daily)/tips required/ Any other accessory required for tests must be quoted in BOQ/Financial Bid and the rate will be frozen for 5 years as per the rate contract done. L-1 will be decided on considering unit price of the equipment, CMC value and cost of 15000 tests along with all consumables required to perform said tests. The rates of the reagent packs has to be quoted and the number of tests that can be performed with the reagent pack need to be mentioned to assess the unit cost of each test. Increase in number of tests of the offered reagent pack will be accepted if the period of on-board stability increases proportionately 250 tests per month and these 15000 tests for 5 years will be taken for evaluation.”</b></p> <p>As per the above specification bidder had to quote the reagents required for 15000 irrespective of the on-board stability criteria which is different in case of different equipment and usage conditions. This is exactly what we have quoted in our financial bid. Now since cost of these 15000 tests is</p>

		<p>fixed then the criteria of onboard stability is itself out of question since the same depends on the actual activation time of the instrument and will not have any implications on the cost incurred per test to the institution once it is freezed. However, we would still like to assure the authority that we stand by our commitment as per the bid and will ensure that for these 15000 tests demanded the quoted reagent amount (3000 ml) will be sufficient and if there is any shortfall in the same supplying the reagents for that shortfall quantity will be provided free of cost from our end if that shortfall is not with any malfunctioning of the instrument or any other undue.</p>
2	<p>In addition to that The Model Quoted by the bidder declare that there would be NIL consumption of the reagents mentioned in BOQ Column No. (2) which the bidder shown NIL, however there operational instructions clearly indicate that after making the machine OFF and making it ON in the warm phase at least consumption of rinse solution. And in the cold phase on the same day, it shall consume the rinse solution and machine will perform 2 point calibration leading to consumption of Reagents. However, the bidder declared in BOQ is NIL.</p>	<p>The firm Clarifies that the tender specifications have mandated 'Stand-by' mode facility in its technical specification number 6 which says as follows:-  <b>“Automatic calibration by liquid calibrators with flexible time mode. Instrument should have Stand-by mode facility and Economy mode.”</b></p> <p>Both the L1 bidder (us) and the L2 bidder (CL Micromed Pvt. Ltd.) were technically evaluated for the same and only after qualifying the technical evaluation the financial bid was opened. It was demonstrated that as per the clear requirements of the tender specifications our instrument does have the 'Stand By' mode facility which provides flexible calibration times depending on the total actual activation/running time for which the instrument and also when the instrument is switched 'ON' from this mode it does not consume any reagent for rinsing. Since for daily operation of machine this particular mode is used and was also mandated in the technical specifications, the BOQ calculations have also been done accordingly. May be instrument quoted by L2 bidder will not be having this feature for daily operations or even if they have, it is</p>



		<p>unfortunate that the L2 bidder was not able to stick to specifications while quoting their BOQ and now after opening of financial bid they are misinterpreting the specifications and trying to accuse L1 bidder based on that.</p>
3	<p>This wrong declaration not only end up here only with the above consumption. It shall consume 1 Point calibration solution after every 30 minutes and 2 point calibration every hour during the first four hours of cold start and in the next 20 hours it will consume 1 point calibration solution every hour and 2 point calibration solution every Four Hour.</p> <p>This misrepresentation of figures and wrong declaration reagents consumption leading to bring huge difference in displayed and actual figures of reagent cost. Which the bidder tried to in cash in bringing the financial bid on lower side. Which is the strong violation of the desired goals of BOQ of this tender.</p>	<p>This query has already been clarified in query number 2 wherein the technical specification number 6. has been quoted which clearly mandates the automatic calibration with flexible time modes. The same instrument fulfills using its Standby mode which leads to variation in times of automatic calibration due to variation in actual instrument running time. In this mode instrument saves the previous calibration and does not do any calibration or rinsing.</p> <p>Therefore, all the points raised above by CL Micromed Pvt. Ltd. seem to be clear misinterpretation of the tender specifications by raising points that do not even concern the fixed cost per test of the tender just for defaming the L1 bidder. It also raises serious doubt about their technical understanding of facts.</p> <p>In addition of the above we would also like to apprise the authority about certain facts about the CL Micromed Pvt. Ltd., which we feel are grave violations of tender specifications and sound alarm bells about their credibility.</p> <p>We quote the Tender Technical specification 9 which states as follows:-</p> <p><b>“All the consumables, reagents, electrodes, calibrators and any other consumables should be quoted separately unit wise and the Price should be freezed for 5 years.”</b></p> <p>We would like to apprise the authority that the CL Micromed Pvt. Ltd. have not quoted individual reagents and packs as mandated in technical specifications quoted above. Rather they have quoted as single pack in the name of ‘Calibrants and Rinse’. This is clear violation of the required specifications when the same are clearly mentioned as separate components and catalog numbers in their</p>

		<p>own manual (<b>Refer attached page 127 of manual</b>). However, since the individual items have not been quoted it is also impossible to ascertain their on-board stability individually for which they have claimed for L1 Bidder. The same have also not mentioned by the L2 bidder.</p> <p>Again referring to above quoted specification, the bidder was responsible for quoting all required consumables, electrodes etc. other than reagents, which finds no mention in their bid and are frequently required for instrument operation/maintenance. For example following items (not limited to) are required in daily operations:-</p> <p><b>1. Printer paper roll (Ref 50 6 50 00) :-</b> The bidder has not mentioned anything about the same in its BOQ which constitutes a significant portion of total cost of operation. (<b>Refer attached page 128 of user manual</b>).</p> <p><b>2. Protein remover (Ref 5 6 10 80) :-</b> As per the manual recommendation from the manufacturer, for reproducibility of results it is essential to use ESCHWEILER Protein Remover CLEAN1 at latest after performance of 100 tests or at least once a week! (<b>Refer attached page 60 of user manual</b>). The calculation of same is not clear.</p> <p><b>3. Sensors and their accessories:-</b> As per page 84 of manual, sensors used in the quoted instrument by CL Micromed require replacement after several weeks. Since, there are a lot of sensors involved in operation of instrument, it will be a matter of significant cost which has not been considered by the bidder. (<b>Refer attached Page 84 of manual</b>).</p>
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		It is per tubing that how L2 bidder can raise points which are major deficiencies of their own bid. This means that they want to keep different rule of evaluation for them and different for other bidders and since now that they have been adjudged as L2, they are questioning the entire process.
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6. From the perusal of the clarification and declaration contained therein by the L-1 firm, it was concluded that the L-1 Bidder had quoted the prices of all reagents/consumable while the L-2 bidder had quoted the composite price of all reagents/consumables which was not in tune with the tender document and as such the L-2 bidder was found violating the tender conditions. Furthermore the L-1 bidder has agreed to provide all required reagents/consumables, for the committed number of tests without any extra cost for any extra item by providing such extra required quantity free of cost i.e. within the price quote for the committed number of tests. It was, therefore unanimously decided to issue 'Award of Contract' to the L-1 bidder (**M/s POCT Services**) for the equipment namely **ABG Machine (Reagent Based)** at the rate mentioned below:-

Sl. no	Name of Equipment	Name of Bidder	Quoted Unit Price (excluding Taxes) (INR Rs.)	Unit Price After Price justification (excluding Taxes) (INR Rs.)
1	<b>ABG Machine (Reagent Based)</b>	<b>M/s POCT Services</b>	<b>Rs. 6,35,000/-</b>	<b>Rs. 6,35,000/-</b>

**Cost of Reagent/Consumables:-**

SL. No.	Name of Reagent /Consumables	Pack Size	Rate Per ml	Rate Per ml (With Taxes)
<b>1</b>	Rinse	600 ml	20.53	22.99
	Cal 1	200 ml	77.71	80.08
	Cal 2	200 ml	52.5	58.8
	Cleaning Solution	175 ml	80.73	90.41
	Gas 1	1 Bottle	19100	22538
	Gas 2	1 Bottle	19100	22538

	Thb Calibration	ample	8750	9800
	Paper Roll	pieces	100	118

The meeting thus concluded with a vote of thanks.

**Sd/-**  
**(Dr. Vidya Pati Choudhary)**  
**Principal, PMCH, Patna**

**Sd/-**  
**(Sh. Ramendra Kumar)**  
**GM (Finance)**  
**BMSICL**

**Sd/-**  
**(Sh. Suman Prasad Sah)**  
**Deputy Secretary-Cum-I/C,**  
**Procurement, SHSB**

**Sd/-**  
**(Sh. Sudhir Kumar )**  
**GM (Procurement)**  
**BMSICL.**

**Sd/-**  
**(Sh. Rajani kant)**  
**CGM, (Supply Chain)**  
**BMSICL**

**Sd/-**  
**(Dr. Navin Chandra Prasad)**  
**Director in Chief,**  
**Health Department, GOB**

**Sd/-**  
**(Sh. Shrawan kumar)**  
**I F A, Health Dept.**  
**G.O.B**

**Sd/-**  
**(Sh. Sanjay Kumar Singh)**  
**Managing Director,**  
**BMSICL**





# POCT SERVICES

Complete Medical Solution

## POCT SERVICES

298-281, Transport Nagar, Kanpur Road,  
Adjacent Transport Nagar Metro Station,  
Lucknow-226012, UP, INDIA

Tel.: 0522-2433023

E-mail: [pocltko@poctservices.com](mailto:pocltko@poctservices.com)

[www.poctservices.com](http://www.poctservices.com)

Ref. No: POCT/LKO/RateClar/2021-22/13

Date: 07.12.2021

To,  
The Managing Director,  
Bihar Medical Services and Infrastructure Corporation Limited  
Patna.

Sub :- Rate justification for ABG Machine (Reagent based).

Ref :- Your Tender Ref. No. BMSIC/2021-22/ME-226 dated 12-06-2021 for Supply of Medical Equipment ABG Machine (Reagent based).

Dear Sir,

With reference to the above subject, we are hereby submitting our justification as below for the quoted equipment ABG Machine (Reagent based) and its reagents & consumables;  
Make: Radiometer, Model: ABL 800 Flex.

### Equipment Justification:

Sl. No.	Tender Notice no.	Equipment Name	Min. quoted rates for each unit	Copy of supply order for reference	Clarification for rate justification	Other detail
1.	BMSIC/2021-22/ME-226	ABG Machine (Reagent based)	Rs. 7,11,200.00 (Incl. of all taxes)	Order No. PS/2020/9042 Dt: 27.08.2020, amounting Rs. 07,28,000.00 (Incl. all taxes)	Justified	Identical Item

### Reagent & Consumables Justification:

Sl. No.	Reagent/Consumables Name	Pack Size	Min. quoted rate per ml/per test	GST %	Total Pack Cost (Incl. GST)	Reference Rate	Other detail
1.	Rinse	600 ml	Rs. 20.53 per ml	12	Rs. 13,796.16	Rs. 16,632.00	Identical Item
2.	Cal 1	200 ml	Rs. 77.71 per ml	12	Rs. 17,407.04	Rs. 16,016.00	We are ready to match the reference price of

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280/9, Kha, Blunt Square,  
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							Rs. 16,016.00 or Rs. 80.08 per ML
3.	Cal 2	200 ml	Rs. 52.5 per ml	12	Rs. 11,760.00	Rs. 16,016.00	Identical Item
4.	Cleaning Solution	175 ml	Rs. 80.73 per ml	12	Rs. 15,823.08	Rs. 16,016.00	Identical Item
5.	Gas 1	1 Bottle	Rs. 3.82 per test	18	Rs. 22,538.00	Rs. 28,556.00	Identical Item
6.	Gas 2	1 Bottle	Rs. 3.82 per test	18	Rs. 22,538.00	Rs. 28,556.00	Identical Item

Hence, we would like to state that rate as per the specification of. Tender Ref. no. BMSIC/2021-22/ME-226 dated 12-06-2021 for Supply of Medical Equipment ABG Machine (Reagent based) can be justified by the above orders. In addition to this we hereby confirm that we have quoted lowest & competitive rate for the Thb Calibration & Paper Roll, we are also ready to provide an affidavit regarding the same.

We thank you in anticipation and hope for kind consideration of our submissions.

Thanking You,

For POCT Services

Authorized Signatory



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## आपूर्ति आदेश

प्रेषक

प्रधानाचार्य  
राजकीय मेडिकल कालेज  
बोदा

सेवा में

मेसर्स POCT Services

101A-102B, First Floor, Diamond Tower  
Cant Road, Uday Ganj Lucknow

2. स्वीकृत पत्र सं० रा०चि०वि० /2018/2758

दिनांक 21/03/2018

के अनुसार जारी एम०ओ०यू० 2737/2018/ रा०चि०वि०

दिनांक 20/03/2018

3. उ०प्र० शासन गजट विज्ञापित सं०

दिनांक

प्रिय महोदय,

कृपया सारिणी अ में दिए गये विवरण के अनुसार वस्तुओं की 15 दिन के अन्दर निम्नलिखित शर्तों का पालन करते हुए आपूर्ति की व्यवस्था करें अन्यथा इसके बाद आपूर्ति आदेश स्वतः निरस्त समझा जायेगा।

1. यदि दी हुयी तिथि तक आपूर्ति नहीं हुई तो आदेश निरस्त समझा जायेगा जब तक कि आपूर्ति के पूर्व समय विस्तार स्वीकृत न हुआ हो।

2. चालू वित्तीय वर्ष के मार्च माह में समय विस्तार सम्भव नहीं होगा।

3. घटिया तथा असन्तोषप्रद आपूर्तियों और तिरस्कृत वस्तुओं का प्रेषक के पास जोखिम एवं मूल्य पर वापस भेज दिया जायेगा।

4. सरकारी संस्था होने से बिल तीन प्रतियों में कोई पेशगी नहीं, बी०पी०पी० रेलवे रसीद बैंक के माध्यम से स्वीकृत नहीं किया जायेगा। बिल आपूर्ति के साथ ही प्रस्तुत करें।

5. हानि टूट-फूट और कमी यदि कोई हो तो प्रेषक के हिसाब में दर्ज होगा।

6. प्रेषक, रजिस्ट्री, पार्सल, सवारी या मालगाड़ी से भाड़ा कम्पनी द्वारा अदा होगा।

7. बीमा यदि एफ०ओ०आर० स्तम्भ में दिया गया हो, तो उत्पन्न प्रीमियम रसीद मूल बिल के साथ हो।

8. सभी बिलों पर केन्द्र, उ०प्र० बिक्री कर पंजीकरण संख्या उद्धृत किया जाना चाहिए यदि उक्त कर कम्पनी के बिल में जोड़ा गया हो।

9. यदि आपूर्ति एफ०ओ०आर० आपूर्ति केन्द्र की शर्त पर स्वीकार की गयी हो तो बिल के साथ रेल रसीद भेजना आवश्यक है, यदि कम्पनी ने चार्ज किया हो।

10. सभी बिलों, सामानों की कालेज के सेंट्रल स्टोर में आपूर्ति करना होगा, चाहे आदेश सम्बन्धित विभागाध्यक्ष द्वारा ही पेशित किया गया हो।

11. स्थानीय आपूर्ति के बिल कालेज के लेखाधिकारी को प्रस्तुत किए जायेंगे।

12. आपूर्ति आदेश संख्या, तिथि तथा शाखा जिसमें आपूर्ति की गई हो, बिल चालान में उद्धृत किया जाना चाहिए।

13. सपरस्त औषधियों की एनालिसिस रिपोर्ट (भेजे गये बैच न० की) बिल/सामान के साथ ही भेजा जाए।

14. यदि इन औषधियों के दर में आपूर्ति प्राप्त होने के समय तक कमी की जाती है तो कम्पनी को नवीन दर से भुगतान किया जायेगा।

15. जी०एस०टी० आदि कर जो लागू हों। बिल में जोड़े जा सकते हैं।

(कृ०प्र०उ०)





**OFFICE OF THE PRINCIPAL M.L.N. MEDICAL COLLEGE PRAYAGRAJ**

No.P.S/2020/9042-

Dated: 27.08.2020

OFFICE NO. 0532-2256507 MAIL ID. mlnmc1961@gmail.com

भारत सरकार के Ministry of statistics and programme implementation, MPLANS Division के Circular No. E-4/2020-MPLAD (A) दिनांक-24 मार्च, 2020 के क्रम में जिला स्तरीय सक्षम अधिकारियों द्वारा कोविड-19 के टेस्ट, स्क्रीनिंग एवं अन्य सुविधाओं के क्रय हेतु मा0 सांसद क्षेत्र विकास निधि के उपयोग हेतु अधिकृत जिलाधिकारी प्रयागराज द्वारा जिला ग्राम्य विकास अभिकरण प्रयागराज के पत्रांक 01 A/परि0-केविड-19/सा0नि0वि0नि0/2020-2021/दिनांक-03.04.2020 के माध्यम से दी गयी सैद्धांतिक सहमति तथा पत्रांक संख्या 11/57/परि0-केविड-19/सा0नि0वि0नि0/2020-2021/दिनांक-11.04.2020 द्वारा दिये गये अनुमोदन के आधार पर निर्गत।

**SUPPLY ORDER**

M/s

POCT Services  
Transport Nagar Metro Station  
Lucknow  
Mo- 7388700671

Dear supplier,

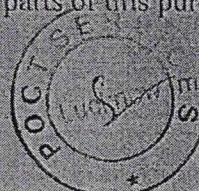
You are hereby requested to supply and install the article/ items in the below mentioned Department as per your terms and condition of the E-Tender No.- P.S./2020/390 Dt. 11-04-2020 within specified time period.

**SCHEDULE**

S.NO.	Equipment Name	QTY	RATE	TOTAL Amount (Rs.)
01	ABG Machine	02	728000	1456000
	Make- Radiometer Model- ABL 800 Flex		Total Rs.	1456000
				All Taxes included
	Department- ICU (COVID-19)			Warranty 5 years from the date of satisfactory installation

**Please note the following terms & Conditions:**

- 1- The confirmation of the receipt of purchase order should reach this office within 01 day of date of dispatch of order.
- 2- Security money to the sum of 5% of ordered value must be submitted in shape of FDR/Bank Guarantee for 5 years (payable at Prayagraj) in Favor of Principal MLN Medical College Prayagraj within fifteen days from the date of dispatch of this order.
- 3- The delivery of good shall be within 05 days of receipt of this order.
- 4- The delivery of equipment shall be deemed to have been made only on the date of installation of the equipment. Any delay in the same shall attract penal charges as per condition mentioned in the tender documents.
- 5- After supply, installation and commissioning of the equipment, the bill, Receipt of equipment received and installation report must be submitted to the central stores MLN Medical College.
- 6- Custom duty and custom clearance if applicable of the goods to be supplied has to be bear by the supplier.
- 7- In addition to those mentioned in this order, all terms and conditions of the tender document referred above shall be applicable and are deemed to integral parts of this purchase order.
- 8- Price is for destination basis with no scope of escalation.





9- The Place of delivery shall be the in the above mentioned Department via central store of MLN Medical College Prayagraj.

10- The equipment has to be installed at such a place as may be indentified and instructed by the Head of the Department of the Department of ICU (COVID-19) The Installation shall be free of cost.

11- The delivery shall be reckoned form the date of this purchase order.

12- You are bound to provide onsite/offsite warranty for the terms mentioned above for a period of 60 months from the date of satisfactory installation. Thereafter the equipment shall be covered under CMC at the rates provided in tender as below:

**Period**

1" Year After Warranty

2" Year After Warranty

3" Year After Warranty

4" Year After Warranty

5" Year After Warranty

GST

**CMC cost per unit**



13. Order stands cancelled if delivery not made by due date unless extension approved prior to supply.
- 14- No extension of delivery period will be possible for orders given in month of February and March.
15. Inferior and unsatisfactory supplies and rejected articles shall be returned at your risk and cost.
16. Loss, breakage and shortage will be counted on sender account.
17. GST registration Number should be noted in the bill if charged by the firm.
18. Supply order no. & date against which supply is made should be mentioned in the bills, along with the name of the department which placed the order. All bills to be made in the name of the Principal MLN Medical College Prayagraj.

**Encl. Specification.**

**Principal**

**MLN Medical College  
Prayagraj**

**Dated:**

**No.P.S/2020/ 9042**

**Copy to: For kind perusal and necessary action.**

- 1- Princiapl Secretary, Medical Education Department Government of UP, Lucknow.
- 2- Director General, Medical Education & Training, 6" floor Jawahar Bhawan Lucknow
- 3- District Magistrate, Prayagraj-
- 4- CDO, Prayagraj.
- 5- CTO, collecorate Prayagraj.
- 6- Head, Department of ICU (COVID-19 ), MLN Medical College, Prayagraj.
- 7- In charge Central Store, MLN Medical College Prayagraj.
- 8- Cashier/ Accounts Section, MLN Medical College Prayagraj.

**Principal**

**MLN Medical College  
Prayagraj**





# सारिणी 'अ'

क्र० सं०	वस्तु का नाम पूर्ण विवरण के साथ	गोमी गई मात्रा	दर प्रति इकाई	कुल लागत	एफ०ओ०आर० बॉदा
10-	Cleaning solution	06	16016.00	96096.00	
11-	Calibration solution 1	06	16016.00	96096.00	
12-	Calibration solution 2	06	16016.00	96096.00	
13-	Rinse solution	25	16632.00	415800.00	
14-	Calibration gas 1	01	28556.00	28556.00	
15-	Calibration gas 2	01	28556.00	28556.00	
			<b>TOTAL--</b>		
RS=					

भवदीय

*M. Yadav*

प्रधानाचार्य

राज० मेडिकल कालेज  
बॉदा।

संख्या 2021-19/PUR-MED/2021-22 तददिनांक 20.04.2021

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

- 1- केन्द्रीय औषधि भण्डार राज० मेडिकल कालेज बॉदा।
- 2- लेखाकार, प्रधान लिपिक राज० मेडिकल कालेज बॉदा।
- 3- महालेखाकार उ०प्र० इलाहाबाद।



प्रधानाचार्य

राज० मेडिकल कालेज  
बॉदा।





-4-

supplied was received by the hospitals in Euros and thus it was fraudulently projected to the hospital and to the complainant that the goods were being manufactured in Germany whereas the accused No. 2 had prior knowledge about the fact that the said goods were being manufactured in India.

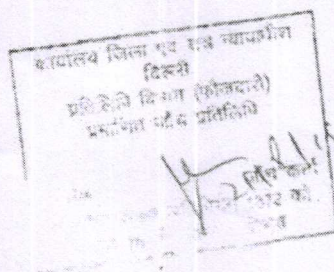
Thus, prima facie the complainant is able to lead sufficient evidence on record to summon the accused No. 1 and accused No. 2 through its Director for cheating the complainant by preparing forged invoices in conspiracy with each other.

Thus, Eschweiler GMBH & Co. through its Director (accused No. 1) and C.L. Micromed Pvt. Ltd. Through its Director (accused No. 2) be summoned for the offence punishable under Section 420/467/468/471/120B of IPC on filing of PF/RC and other available modes of service, returnable for 10.10.2019.

(Chetna Singh)

ACMM-2/Central/THC/Delhi

01.08.2019





Ref. No: POCT/LKO/BMSICL/RateClar/2021-22/414

Date: 07.12.2021

To,  
The Managing Director,  
Bihar Medical Services and Infrastructure Corporation Limited  
Patna.

**Subject:-Clarification against representation raised by CL Micromed Pvt. Ltd. dated 03.11.2021**

**References:**

- Tender Ref. No. BMSIC/2021-22/ME-226 published dated 12-06-2021
- Item Name: ABG Machine (Reagent based).
- Quoted Item make:- Radiometer and Model:- ABL 800 Flex.

Respected Sir,

With reference to the above mentioned tender references and subsequent representation by the bidder 'CL Micromed Pvt. Ltd', we the undersigned would like to submit our clarification as detailed below:-

**Query Number 1:-**

*In the financial bid bidder have declared the consumption of calibration solutions CAL 1 (200ML) and cal 2 ( 200ML) which is 3000 ml each for five years it means they are saying that after installing the bottle in the machine it will last at least 4 months . but as per their own reference manual ( proof attached ) it is clearly stated that the cal1 solution will last only 4 weeks ( less than 1 month ) after installation and cal 2 will last only 8 weeks ( less than 2 months ) . This clearly shows that as per the manufacturers recommendation the bidder need to quote at least 60 bottles of cal1 and 30 bottles of cal2 instead of quoting only 15 bottles each in the BOQ*

**Clarification:-**

We would like to clarify the same that we have quoted the quantity exactly as per the bid instructions and requirements. As per the calculation provided in our BOQ total 3000 ml of Cal 1 and Cal 2 solutions respectively will be required for conducting 15000 tests as demanded in the specifications. We would like to quote the following Specification Number 12 of the technical specifications document of the tender:-

**"Cost of 15000(10 per day x 25 days x 12 months x 5 years) tests along with the price of startup and shutdown consumption of reagents and other reagents(Cleaner/Washer/Diluent/Kits/Calibrator, QCs (Positive control and Negative control required daily)/tips required/ Any other accessory required for tests must be quoted in BOQ/Financial Bid and the rate will be frozen for 5 years as per the rate contract done. L-1 will be decided on considering unit price of the equipment, CMC value and cost of 15000 tests along with all consumables required to perform said tests. The rates of the reagent packs has**





## POCT SERVICES

Complete Medical Solution

## POCT SERVICES

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to be quoted and the number of tests that can be performed with the reagent pack need to be mentioned to assess the unit cost of each test. Increase in number of tests of the offered reagent pack will be accepted if the period of on-board stability increases proportionately 250 tests per month and these 15000 tests for 5 years will be taken for evaluation."

As per the above specification bidder had to quote the reagents required for 15000 irrespective of the on-board stability criteria which is different in case of different equipment and usage conditions. This is exactly what we have quoted in our financial bid. Now since cost of these 15000 tests is fixed then the criteria of onboard stability is itself out of question since the same depends on the actual activation time of the instrument and will not have any implications on the cost incurred per test to the institution once it is freezed. However, we would still like to assure the authority that we stand by our commitment as per the bid and will ensure that for these 15000 tests demanded the quoted reagent amount (3000 ml) will be sufficient and if there is any shortfall in the same supplying the reagents for that shortfall quantity will be provided free of cost from our end if that shortfall is not with any malfunctioning of the instrument or any other undue.

### Query Number 2:-

*In addition to that The Model Quoted by the bidder declare that there would be NIL consumption of the reagents mentioned in BOQ Column No. (2) which the bidder shown NIL, however there operational instructions clearly indicate that after making the machine OFF and making it ON in the warm phase at least consumption of rinse solution. And in the cold phase on the same day, it shall consume the rinse solution and machine will perform 2 point calibration leading to consumption of Reagents. However, the bidder declared in BOQ is NIL.*

### Clarification:-

We would like to apprise the authority that the tender specifications have mandated 'Stand-by' mode facility in its technical specification number 6 which says as follows:-

**"Automatic calibration by liquid calibrators with flexible time mode. Instrument should have Stand-by mode facility and Economy mode."**

Both the L1 bidder(us) and the L2 bidder (CL Micromed Pvt. Ltd.) were technically evaluated for the same and only after qualifying the technical evaluation the financial bid was opened. It was demonstrated that as per the clear requirements of the tender specifications our instrument does have the 'Stand By' mode facility which provides flexible calibration times depending on the total actual activation/running time for which the instrument and also when the instrument is switched 'ON' from this mode it does not consume any reagent for rinsing. Since for daily operation of machine this particular mode is used and was also mandated in the technical specifications, the BOQ calculations have also been done accordingly. May be instrument quoted by L2 bidder will not be having this feature for daily operations or even if they have, it is unfortunate that the L2 bidder was not able to stick to specifications while quoting their BOQ and now after opening of financial bid they are misinterpreting the specifications and trying to accuse L1 bidder based on that.





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### Query Number 3:-

*This wrong declaration not only end up here only with the above consumption. It shall consume 1 Point calibration solution after every 30 minutes and 2 point calibration every hour during the first four hours of cold start and in the next 20 hours it will consume 1 point calibration solution every hour and 2 point calibration solution every Four Hour.*

*This misrepresentation of figures and wrong declaration reagents consumption leading to bring huge difference in displayed and actual figures of reagent cost. Which the bidder tried to in cash in bringing the financial bid on lower side. Which is the strong violation of the desired goals of BOQ of this tender.*

### Clarification:-

This query has already been clarified in query number 2 wherein the technical specification number 6 has been quoted which clearly mandates the automatic calibration with flexible time modes. The same instrument fulfills using its Standby mode which leads to variation in times of automatic calibration due to variation in actual instrument running time. In this mode instrument saves the previous calibration and does not do any calibration or rinsing.

Therefore, all the points raised above by CL Micromed Pvt. Ltd. seem to be clear misinterpretation of the tender specifications by raising points that do not even concern the fixed cost per test of the tender just for defaming the L1 bidder. It also raises serious doubt about their technical understanding of facts.

In addition of the above we would also like to apprise the authority about certain facts about the CL Micromed Pvt. Ltd., which we feel are grave violations of tender specifications and sound alarm bells about their credibility.

We quote the Tender Technical specification 9 which states as follows:-

**"All the consumables, reagents, electrodes, calibrators and any other consumables should be quoted separately unit wise and the Price should be freezed for 5 years."**

We would like to apprise the authority that the CL Micromed Pvt. Ltd. have not quoted individual reagents and packs as mandated in technical specifications quoted above. Rather they have quoted as single pack in the name of 'Calibrants and Rinse'. This is clear violation of the required specifications when the same are clearly mentioned as separate components and catalog numbers in their own manual (**Refer attached page 127 of manual**). However, since the individual items have not been quoted it is also impossible to ascertain their on-board stability individually for which they have claimed for L1 Bidder. The same have also not mentioned by the L2 bidder.

Again referring to above quoted specification, the bidder was responsible for quoting all required consumables, electrodes etc. other than reagents, which finds no mention in their bid and are frequently required for instrument operation/maintenance. For example following items (not limited to) are required in daily operations:-

---

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#### DELHI NCR:

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New Delhi-110015, Delhi, INDIA  
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#### BIHAR :

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1. **Printer paper roll (Ref 50 6 50 00) :-** The bidder has not mentioned anything about the same in its BOQ which constitutes a significant portion of total cost of operation. **(Refer attached page 128 of user manual).**
2. **Protein remover (Ref 5 6 10 80) :-** As per the manual recommendation from the manufacturer, for reproducibility of results *it is essential to use ESCHWEILER Protein Remover CLEAN1 at latest after performance of 100 tests or at least once a week!* **(Refer attached page 60 of user manual).** The calculation of same is not clear.
3. **Sensors and their accesories :-** As per page 84 of manual, sensors used in the quoted instrument by CL Micromed require replacement after several weeks. Since, there are a lot of sensors involved in operation of instrument, it will be a matter of significant cost which has not been considered by the bidder. **(Refer attached Page 84 of manual).**

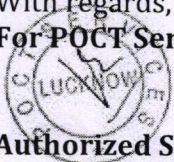
It is per tubing that how L2 bidder can raise points which are major deficiencies of their own bid. This means that they want to keep different rule of evaluation for them and different for other bidders and since now that they have been adjudged as L2, they are questioning the entire process.

Not only above, we would also like to apprise the authority that M/s CL Micromed Pvt. Ltd. were summoned as one of the accused for cheating the complainant by preparing forged in-voices in conspiracy with Eschweiler GmbH & Co.(manufacturer) by the Hon court of LD. Chief Metropolitan Magistrate, Tis Hazari District Courts, Delhi registered as case ID CIS no. 6136/17. **Refer attached summon.**

All these above facts cast serious doubts over the credibility and competence of the L2 bidder and reflect the use of double standards by them.

We hope clarifications submitted by us will satisfy best of your requirement and we thank you in anticipation.

With regards,  
For POCT Services



Authorized Signatory

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## 7.6 Materials Provided with the combiline

### Sensors:

1	pc	50 1 10 30	pO <sub>2</sub> -membrane shell with membrane	
1	bot.	50 1 10 35	pO <sub>2</sub> -fillsolution	20 ml
1	pc	50 1 20 30	pCO <sub>2</sub> -shell with Membrane	
1	bot.	50 1 20 35	pCO <sub>2</sub> -fillsolution	20 ml
1	pc	50 5 10 30	Ref.-membrane shell with membrane	
1	bot.	50 5 10 35	Ref.-fillsolution	50 ml

### depending on ordered type configuration:

1	pc	50 3 10 30	K <sup>+</sup> -membrane shell with membrane	
1	bot.	50 3 10 35	K <sup>+</sup> -fillsolution	20 ml
1	bot.	50 3 20 35	Na <sup>+</sup> -fillsolution	20 ml
1	pc	50 3 30 30	Ca <sup>++</sup> -membrane shell with membrane	
1	bot.	50 3 30 35	Ca <sup>++</sup> -fillsolution	20 ml
1	pc	50 3 50 30	Li <sup>+</sup> -membrane shell with membrane	
1	bot.	50 3 50 35	Li <sup>+</sup> -fillsolution	20 ml
1	pc	50 3 40 30	Cl <sup>-</sup> -membrane shell with membrane	
1	bot.	50 3 40 35	Cl <sup>-</sup> -fillsolution	20 ml

### various accessories for Sensors:

1	pc	50 1 10 42	cork with leather	
1	box	50 1 10 41	cleaning paste (silicon carbide)	
1	pc	50 1 10 50	pO <sub>2</sub> polishing kit	
1	bot.	50 6 10 84	electrode cleaner	50 ml
5	pc		tape for closing of ventilation holes at membrane shells	
1	pc		exchange tool for sample light barrier capillary	
1	bot.	50 6 10 80	Proteinremover	100 ml

### Reagents:

#### for Combiline BGA+E and BGA

2	bot.	40 6 10 11	WASH 2+M (Rinsing solution for BGA plus E)	
2	bag	40 6 10 40	BGA 3 (Calibration solution BGA plus E/low)	
2	bag	40 6 10 50	BGA 4 (Calibration solution BGA plus E/high)	
2	bot.	40 6 10 45	CAL 3 (Calibration solution for BGA plus E/low)	
2	bot.	40 6 10 56	CAL 4+M (Calibration solution for BGA plus E/high)	

### Quality controls:

1	pcl.		Blood Gas Control plus EGL - Evaluation Kit C-510 (for BGA, electrolytes and metabolites)	
---	------	--	---	--

### Gaskets

10	pc	50 1 10 25	o-ring for Sensor casing (all) 1.8 x 1.0	
----	----	------------	--	--

pc. = piece -- bot.= bottle -- Amp = Ampoule



**Capillaries:**

Capillaries for instruments without Hb-sensor

250	pc	50 6 30 08	hep. capillaries 8 cm/100µl (up to 4 parameter)
250	pc	50 6 30 10	hep. capillaries 10 cm/125µl (up to 6 parameter)
250	pc	50 6 30 12	hep. capillaries 12 cm/150µl (up to 8 parameter)

Capillaries for instruments with Hb-sensor

250	pc	50 6 30 12	hep. capillaries 12 cm/150µl (up to 4 parameter)
250	pc	50 6 30 14	hep. capillaries 14 cm/150µl (up to 7 parameter)
250	pc	50 6 30 15	hep. capillaries 16 cm/200µl (up to 11 parameter)

250	pc	50 6 30 30	metal stirrers for capillaries
1	pc	50 6 30 35	magnet for metal stirrers
500	pc	50 6 30 40	end caps for capillaries

**various accessories:**

2	rl	50 6 50 00	printer paper
1	set	40 6 40 00	maintenance set complete
5	pc.	3-7.200	aspiration pipe for control solution
1	pc.	50 6 60 55	ampoule holder for aspiration pipe
2	pc		syringe 2 ml
1	set		Fuses 2 x 2,5 A
1	pc.		mains cable
1	pc.		instruction manual

pc. = piece -- bot.= bottle -- pcl. = parcel -- rl = roll

**7.7 Interface Description****Serial Interface RS 232**

The transfer of data in the combi*line* program is performed with following parameter:

9600 Baud  
8 data bit  
1 start bit  
1 stop bit  
no parity bit  
no handshake.

Data will be sent automatically after a sample or QC measurement only, at the time of printing in ASCII code.



**Termination**

- Press the **QUIT**-key to return to the STAND BY dialogue. This will be done automatically after 30 sec.

**3.5.2.8 Protein Removal****Purpose**

This function **cannot be performed** during **WARM UP PHASE!**

Depending on the sample throughput it is necessary to perform a cleaning of the analysis system with Protein Remover as recommended, refer to chapter 6.1 Maintenance Schedule.

To obtain high reproducibility of measure results and high stability of sensors, it is essential to use ESCHWEILER Protein Remover CLEAN1 (order no.: 5 6 10 80) at latest after performance of 100 tests or at least once a week!



**Protein and Lipid sediments cause false voltages on Sensors and therefore false results!**

**Protein and Lipid sediments cause shortened life-time of membranes!**

Carry out this program if the results of the Quality Control are out of range.

Carry out this program if the results of the Quality Control are out of range.

**Carry out removal**

For protein removal:

- fill a Syringe with about 1 ml of **Protein Remover** (order no. 50 6 10 80). **Be careful**, Protein Remover is aggressive, wear suitable gloves! (Sodium-Hypochloride).
- Press the **8**-key to display the test dialogue:
- Proceed as displayed on dialogue:
- Insert the Syringe into the Sample Port.
- Inject Protein Remover slowly into the Sample-Port
- Remove the Syringe from the Sample Port as requested.

The Protein Remover remains in the analysis system for about 60 seconds. After that time the analyser performs two wash cycles and a calibration cycle automatically.

**Termination**

When there is no action within 30 sec, the STAND BY dialogue appears automatically.

**3.5.2.9 Reagent Test (Test of Liquid Transport)****Purpose**

With the help of this program the liquid pumps (roller pumps) and the valves can be activated manually.

In this way air bubbles which are trapped in the transport tubes can be removed and the function of pumps and valves can be tested.



## 6.2 Maintenance of Sensors

### Generals

Previous experience has shown that it is advisable to service the  $\text{pO}_2$ - and  $\text{pCO}_2$ -Sensors at intervals of approx. **8-12 weeks**.

The **maintenance interval** depends much on the number of the test throughput.

Maintenance of the pH, electrolyte- and Reference Sensors is limited mainly to checking the level of their filling solutions and refilling the solutions if necessary.

The best way to check the condition of the Sensors and their membranes is regular observance of the **slope parameter** in the menu "**SENSOR-PARAMETER**" of the OPERATION menu.

Another way of **checking the Sensors' function** and measuring accuracy is the use of **Quality Control Solutions**.

**Basically there are two ways of carrying out maintenance of the Sensors:**

1. Eschweiler customer service offers regenerated  $\text{pO}_2$ - and  $\text{pCO}_2$ -Sensors for exchange.
2. The user can use ready-made Membrane Casings and carry out cleaning of the  $\text{pO}_2$ - and  $\text{pCO}_2$ -Sensors himself. This method of Sensor maintenance is the more economical alternative.

When is it time to service or replace a Sensor?

Servicing/replacement of a Sensor becomes necessary when, after several weeks of operation, changes in the **sensitivity** of the Sensor or in the **stability** of measured results are noticed. Signs of this may be:

- Indication of a **slope error**.
- Slow **sinking of the slope** toward the lower limit of the permissible slope range.
- Slow **rising of the slope** of the  $\text{pO}_2$ -Sensor towards the upper limit of the permissible slope range.
- Indication of a **range-error**.
- Long measuring and calibration times.
- Nonreproducible measured results.
- **Results of the Quality Control** measurements outside the permissible tolerances.



**Before servicing for the above mentioned reasons, it is advisable to have a look at the measures discussed in chapter 4 Error messages!**





IN THE COURT OF LD. CHIEF METROPOLITAN  
MAGISTRATE, TIS HAZARI DISTRICT COURTS, DELHI.

In re

Case no. \_\_\_\_\_ / 2017

IN THE MATTER OF :

**RAKESH KUMAR AHUJA**  
(PROPRIETOR) (aged around 45 years)  
M/S POPULAR SCIENTIFIC CORPORATION  
58, U.B. JAWAHAR NAGAR, DELHI

For Further Proceedings 26/05/17 Acmm

CMM/ACMM (Central)

Date of Filing 25/04/17

.....COMPLAINANT

VERSUS

1. ESCHWEILER GMBH & CO. AT HOLZKOPPELWEG 35, 24118 KIEL, GERMANY (REPRESENTED THROUGH IT'S DIRECTORS);
2. C L MICROMED PVT. LTD. HAVING IT'S REGISTERED OFFICE AT T-17, OKHLA INDUSTRIAL AREA, PHASE-II, NEW DELHI-110 020 (REPRESENTED THROUGH IT'S DIRECTORS)
  - (a) SYED FAZLE HAIDER (DIRECTOR)
  - (b) PRAVEEN HAIDER (DIRECTOR)
  - (c) KAMRAN HAIDER (DIRECTOR)
  - (d) IMRAN HAIDER (DIRECTOR)
3. SANJAY SAXENA (GENERAL MANAGER), C L MICROMED PVT. LTD. HAVING IT'S REGISTERED OFFICE AT T-17, OKHLA INDUSTRIAL AREA, PHASE-II, NEW DELHI-110 020 ;
4. OTHER EMPLOYEES OF C L MICROMED PVT. LTD.;
5. OTHER UNKNOWN PERSONS

....ACCUSED

P.S.: ROOP NAGAR

COMPLAINT U/S 156(3) OF Cr.P.C R/W SECTION 200 Cr.P.C FOR HAVING COMMITTED CRIMINAL OFFENCES OF CHEATING, CRIMINAL BREACH OF TRUST, CRIMINAL BREACH OF TRUST BY PUBLIC SERVANT, OR BY BANKER, MERCHANT OR AGENT; FORGERY, MAKING AND SELLING OF SPURIOUS & COUNTERFEIT REAGENTS/ CONSUMABLES/ SPARES OF MACHINERY ETC. AND PLAYING WITH LIFE OF INNOCENT CITIZENS AND CAUSING LOSS TO GOVERNMENT EXCHEQUER ETC. PUNISHABLE UNDER SECTIONS 405/409/420/467/468/328 and 120B of IPC

प्रमाणित





CIS No. 6136/17

PS: Roop Nagar

Rakesh Kumar Ahuja Vs Eschweiler GMBH & Ors.

01.08.2019

At 02:00 PM

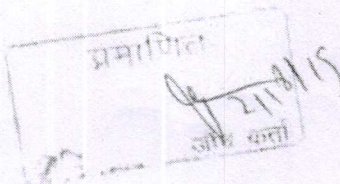
**ORDER ON SUMMONING**

Present: Ld. Counsel for complainant.

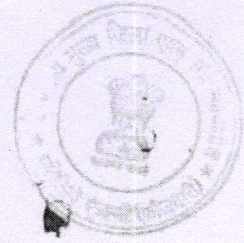
By way of the present complaint it has been alleged by the complainant that he is engaged in the business of supplying medical apparatus equipment related to chemicals and consumables etc. to the Government since 1990 and in the year 2010 he was authorized by Eschweiler GMBG & Co., Through its Director (hereinafter referred to accused No. 1) to supply their equipments alongwith consumables chemicals and reagents and C.L. Micromed Pvt. Ltd., Through its Director (hereinafter referred to accused No. 2) is the sole selling agent of accused No. 1 in India from where the complainant used to procure all the above mentioned equipments and consumables. It is primarily alleged by the complainant that he was cheated by accused No. 1 and accused No. 2 as it was represented to him that the goods being supplied to the complainant were being imported from Germany by accused No. 2 through accused No. 1. On the said assurances, the complainant used to place orders and accused No. 2 used to issue invoices against sales wherein it was mentioned that the goods were manufactured by accused No. 1 in Germany.

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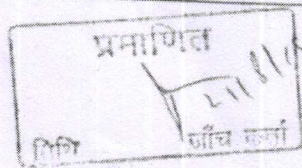
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It is alleged that the said invoices stating that the goods were imported and manufactured from Germany was forged by accused No. 2 and the complainant has relied upon his oral testimony and invoices Ex. CW1/A (Colly) (8 pages). It has further been alleged that the complainant was reappointed as agent by accused No. 1 vide proprietary certificate dated 07.04.2016 valid till 31.03.2017. However, the complainant during the tenure of his subsisting agency came to know that accused No. 2 alongwith its Directors and their General Manager acting in connivance with each other were indulging in duplicity of reagents and consumables purported to have been manufactured in Germany by accused No. 1 and they were manufacturing spurious goods in Delhi by applying forged stickers upon the said goods.

The complainant further deposed that when he confronted accused No. 2 about the said duplicity, his agency was illegally terminated vide letter dated 12.07.2016 and the complainant found out through various RTI applications that the supplies of accused No. 1 were rejected by various Government Hospital since the chemicals being supplied were not manufactured in Germany but manufactured in India.

The complainant further relied upon letter Mark D which was obtained by the complainant through RTI disclosure as per which it has been stated by accused No. 1 that they have entered into a joint

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venture that accused No. 2 as per which accused No. 2 can manufacture and market the articles as mentioned in the Mark D to meet the growing market needs.

On the contrary, the complainant alleged that the retail invoices issued by the accused No. 2 which are Ex. CW4/A, Ex. CW4/B, Ex. CW4/C, Ex. CW4/D mention that the said goods mentioned in the invoices were manufactured by accused No. 1 in Germany and the said goods were rejected on the ground that the said goods were manufactured in India and not in Germany as per the testimony of CW-4 who was examined by way of DMS Procurement, Guru Teg Bahadur Hospital. CW-2, CW-3, CW-4 and CW-5 are other witnesses examined by the complainant apart from himself wherein they deposed that supplies mentioned in the Ex. CW2/A, Ex. CW2/B, Ex. CW2/C and Ex. CW4/A, Ex. CW4/B, Ex. CW4/C, Ex. CW4/D, Ex. CW4/F etc. were rejected as the same were not manufactured in Germany as claimed. Thus, it is clear that the accused No. 2 in connivance with accused No. 1 cheated various Government Hospital including the complainant by inducing the complainant to believe that he was being supplied goods imported from Germany where as the said goods were spuriously manufactured in Delhi through accused No. 2 at its plant based at Okhla. It is also clear from the various invoices relied upon by CW-4 that the price list of the articles

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