

No. BPPI/Drug- 058/2018

Dated 14/01/2019

ORDER

Whereas, Bureau of Pharma Public Sector Undertakings of India, New Delhi had published tender no. BPPI/Drugs- 058/2018 dated 26/02/2018 & BPPI/DRUG-054/2017 dated 31.8.2017 through e-procurement system i.e., CPP portal for supply of drugs.

Whereas, M/S AMR PHARMA INDIA PRIVATE LIMITED (here after called as the firm) addressed at Y-34,1A, Bhagyalekha Apts,5th Avenue, Anna Nagar West, Chennai 600040 had participated in tender. The firm was awarded 02 drugs namely, Drug Code 1026 (Propranolol Tablets IP 10mg) & Drug Code 1359 (Naproxen Tablet 250 MG) against tender no. BPPI/Drugs- 058/2018 by Bureau of Pharma Public Sector Undertakings of India, New Delhi vide letter dated 27/07/2018 of acceptance for price agreement for supply of 02 drugs for 2 years period as per tender provision. The firm was asked to submit performance security for Rs 110852/- within 15 days as per clause 10 of tender document. Against tender No. BPPI /DRUG-54/2017, the firm was awarded price agreement for DC 49,119,300,517,796,901,904 & 1098 & 9 Purchase orders were placed as per details below:-

| S.No. | BPPI purchase order No and Date | Drug Code and Name | Quantity Ordered | Delivery Period | Quantity Pending for supply |
|-------|---|---|------------------|---------------------------------|-----------------------------|
| 1 | 18000358 dated 30.07.2018 | 1098 Voglibose 0.2mg, Metformin 500mg SR Tablets | 1500000 | 30 Days (Expired on 29.08.2018) | 1500000 |
| 2 | 18000120 dated 04.05.2018 | 1098 Voglibose 0.2mg, Metformin 500mg SR Tablets | 200000 | 30 Days (Expired on 03.06.2018) | 0 |
| 3 | 18000050 dated 27.04.2018 | 904 Glimepride 1mg Metformin SR 500mg Tablets | 525000 | 30 Days (Expired on 27.05.2018) | 525000 |
| 4 | 18000404 dated 19.07.2018 | 901 Gabapentin Capsules USP 300mg | 95000 | 30 Days (Expired on 18.08.2018) | 0 |
| 5 | 18000352 dated 12.07.2018 | 796 Atorvastatin I.P 10mg, Aspirin I.P (EC) 75mg Capsules | 450000 | 45 Days (Expired on 26.08.2018) | 450000 |
| 6 | BPPI/2017/PO/Drugs/01512 dated 03.01.2018 | 517 THIOLCHICOSIDE 4mg + ACECLOFENAC 100mg Tablets | 100000 | 45 Days (Expired on 17.02.2018) | 100000 |
| 7 | 18000053 dated 27.04.2018 | 300 Telmisartan Tablets IP 40mg | 1600000 | 30 Days (Expired on 27.05.2018) | 0 |
| 8 | 18000093 dated 28.04.2018 | 49 Azithromycin 250mg film coated Tablet | 225000 | 45 Days (Expired on 12.06.2018) | 225000 |
| 9 | BPPI/2017/PO/Drugs/01694 dated 08.02.2018 | 119 Fluconazole Tablets IP 150mg | 62000 | 45 Days (Expired on 25.03.2018) | 62000 |

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Whereas, the firm had not submitted performance security amount Rs. 110852/-against BPPI/Drugs-058/2018. The firm also did not supply pending quantity against 9 purchase orders as per details above against tender No. BPPI/DRUG-054/2017. In respect of Drug Code 1098 (Voglibose 0.2mg, Metformin 500mg SR Tablets), drugs supplied vide batch no. VBM 18004 (Mfg. date 03/18 & Exp. Date 02/2, failed in assay content as reported by Drug Inspector Thiruvananthapuram Vide report No. SY/3824/2018/DTL.

Whereas, Bureau of Pharma Public Sector Undertakings of India, New Delhi issued Show cause notice on 27/09/2018 to the firm informing about the clause no. 10.4, & 20.1(a) of tender document with request to explain within 7 days why not following actions against them may be taken: -

- (i) Forfeit of EMD of Rs.100000/- submitted by firm in form of DD No. 003384 from HDFC BANK.
- (ii) Initiate blacklisting of the company.

The firm did not reply show cause notice dated 27.09.2018.

In respect of non-supply of 9 purchase orders against tender No. BPPI/DRUG-054/2017, Bureau of Pharma Public Sector Undertakings of India, New Delhi issued Show cause notice on 23/10/2018 to the firm informing about the clause no. 11 (e), 12.4 (d) & (e), 19.7 and 20.1(a) of tender document related to supply. The firm was asked to explain within 7 days why not following actions may be taken against your company: -

- (i) Procure the drugs from the other sources at your risk and cost as per tender clause 12.4 (d) & (e) and recovery of extra expenditure shall be made from you.
- (ii) Forfeit of Security Deposit Rs. 550000/- submitted by you in the form of Demand Draft of DD No. 750270 Dated: 01.08.18 issued by Indian Overseas Bank.
- (iii) Consider their bad performance for future dealings and disqualify your company from participating in the tender for the next 2 years.
- (iv) Recover 5% value of supply order from pending bill.
- (v) Initiate blacklisting of the company.

For drugs supplied vide batch no. VBM 18004 (Mfg. date 03/18 & Exp. Date 02/20) which was failed in assay content as reported by Drug Inspector Thiruvananthapuram Vide report No. SY/3824/2018/DTL, show cause notice was issued on 10.12.2018 informing about the clause No. 15.2, 19.2 & 20.1(a). The firm was asked to pay total cost Rs. 111776/- (Inclusive of GST) of drug for this batch of drugs within 7 days. The firm was also asked to explain why not following action may be taken: -

- (i) Forfeit the Performance security deposit as per clause no. 20.1(a) of tender document.
- (ii) Blacklisting of their company as per clause No. 19.2 & 20.1(a) of tender document.

Firm did not reply the show cause notice dated 27.09.2018 & 10.12.2018. In respect of show cause notice dated 23.10.2018, a reply of the firm dated 30.10.2018 was received & same was found unsatisfactory.

Further a Public Grievance(s) of DC 904 (Glimepiride 1 mg and Metformin SR 500 mg) was received from the PMO portal and the drug was sent for retesting to the NABL lab and the test certificate of the drug from NABL lab declared the drug as "Not of Standard Quality".



BUREAU OF PHARMA PUBLIC SECTOR UNDERTAKINGS OF INDIA
(Set up under the Department of Pharmaceuticals, Government of India)

In view of above, the firm is debarred for a period of 2 years to participate in the tender of Bureau of Pharma Public Sector Undertakings of India, New Delhi for supply of all drugs from date of issuance of this order besides forfeiture of EMD & performance security, 5% value of pending purchase orders & recovery of Total cost of rejected supplies Rs.111776, as per tender provisions.

This order is without prejudice to the legal and criminal action to be taken if any, by Bureau of Pharma Public Sector Undertakings of India, New Delhi in the matter.


Sachin Singh (IRS)
Chief Executive Officer
Bureau of Pharma PSUs of India, New Delhi

To

Regd.

M/S AMR PHARMA INDIA PRIVATE LIMITED., at Y-34,1A, Bhagyalekha Apts,5th Avenue, Anna Nagar West,
Chennai 600040