



# ODISHA STATE MEDICAL CORPORATION LTD.

(A Govt. of Odisha Undertaking)

*Assuring Quality, Saving lives*

Order No. : 18682/OSMCL/QA/1563/2018

Date : 28.11.2018

## ORDER

M/s. Maxchem Pharmaceuticals Pvt. Ltd., Plot No. 22, Sector - 03, SIDCUL, Rudrapur, Uttarakhand - 263153 was placed with orders to supply Calcium & Vitamin D3 Tablet IP (film coated) vide Purchase Order No. CR18274 Dtd.20.04.2018. The firm supplied the drug in a number of batches, out of which four (04) number of batches have been declared as "Not of Standard Quality" (NSQ) by two out of three approved NABL accredited laboratories empanelled by Odisha State Medical Corporation Ltd. (OSMCL), which was communicated to the supplier by enclosing the copies of test reports vide this office letter No. 13895 dtd.06.09.2018.

The details of batches of subject drug and the reason for declaring the said batches as NSQ are mentioned below.

Sl. No.	Batch No.	Mfg. Dt.	Exp. Dt.	Ref. PO No. & Date	Reason for declaring NSQ	Mfd. By
01	OSM-8001	05/2018	10/2019	CR18274 20.04.2018	The said four batches failed to comply the Assay test of Vitamin D3	M/s. Maxchem Pharmaceuticals (P) Ltd., Plot No. 22, Sector-3, IIE, Pantnagar, Rudrapur, Dist. US Nagar - 263153
02	OSM-8003	05/2018	10/2019			
03	OSM-8004	05/2018	10/2019			
04	OSM-8007	05/2018	10/2019			

In view of the above M/s. Maxchem Pharmaceuticals Pvt. Ltd. was issued with Show Cause Notice (SCN) vide this office letter No. 14166 dtd.12.09.2018 seeking explanation within seven (07) days of receipt of the letter as to why it shall not be derecognised/blacklisted for the item Calcium & Vitamin D3 Tablet IP (film coated) for a period of three (03) successive years in accordance with PO Clause No.5(h)(ii) read with Bid Condition No. 6.39.8.1(ii) of Bid Reference No. OSMCL/2017-18/DRUGS-DHS/02.

In reply to the SCN dtd.12.09.2018, the notice-firm vide letter dtd.18.09.2018 requested to permit them to represent their matter in person with the necessary documents.

In response to above, the notice-firm was allowed to appear for personal hearing before the Managing Director of OSMCL on 15.10.2018 vide this office letter No.15606 dtd.10.10.2018, which was rescheduled on 29.10.2018 vide this office letter No. 16230 dtd.15.10.2018 in response to the supplier's request vide letter dtd.13.10.2018.

(P.T.O)



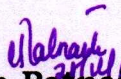
The authorised person of M/s. Maxchem Pharmaceuticals Pvt. Ltd. appeared before the authorities of OSMCL on 29.10.2018 and submitted reply dtd.27.10.2018. In that reply, the supplier has expressed their disagreement with the reports issued by the laboratories empanelled by OSMCL and in turn has submitted the copies of test reports issued by Govt. Analyst, State Govt. Lab, Uttarakhand, wherein the subject four batches have been declared as Standard Quality (SQ). The supplier has requested to consider the results of test reports issued by Govt. Analyst, Uttarakhand and not to take action of blacklisting the product and to allow them to replace the said four batches of subject item with fresh batches.

It is to mention, here that, M/s. Maxchem Pharmaceuticals Pvt. Ltd. in whose favour the purchase order was issued has accepted the tender conditions and supplied the subject drug. Therefore, after its drugs are being declared as NSQ, the firm cannot turn around and question the said clause and ask the authorities to resort to the State Drug Analyst Reports.

Since, reports of empanelled laboratories shall be acceptable to both OSMCL and the supplier as per terms and conditions of the tender, the reply of the firm in response to SCN is not sustainable in the eye of law and therefore liable to be rejected.


Therefore, as per PO Clause No. 5(h)(ii) read with Bid Condition No. 6.39.8.1(ii) of Bid Reference No. OSMCL/2017-18/DRUGS-DHS/02, M/s. Maxchem Pharmaceuticals Pvt. Ltd., Plot No. 22, Sector – 03, SIDCUL, Rudrapur, Uttarakhand – 263153 is hereby, derecognised/ blacklisted for the item Calcium & Vitamin D3 Tablet IP (film coated) for a period of three (03) successive years from the date of issue of this order.

The Performance Security/ Bank Guarantee/ EMD submitted by the firm for the said item is hereby, forfeited & the firm shall not be allowed to participate in the tender process of Odisha State Medical Corporation Ltd. for the said item.

  
**Archana Patnaik, I.A.S.**  
**Managing Director, OSMCL**

**Memo No. 18683/Dt. 28.11.2018**

Copy forwarded to M/s. Maxchem Pharmaceuticals Pvt. Ltd., Plot No. 22, Sector – 03, SIDCUL, Rudrapur, Uttarakhand – 263153 for information.

  
**Managing Director,**  
**OSMCL**

*Continued....*



**Memo No. 18684 /Dt. 28.11.2018**

Copy forwarded to DHS/DMET, Odisha for information and necessary action.

*Nalini*  
**Managing Director,  
OSMCL**

**Memo No. 18685 /Dt. 28.11.2018**

Copy submitted to the Commissioner-cum-Secretary to Govt., H & FW Dept. Odisha, for favour of kind information.

*Nalini*  
**Managing Director,  
OSMCL**

**Memo No. 18686 /Dt. 28.11.2018**

Copy forwarded to the GM – Operation (D & S)/GM (F & A), OSMC for information.

*Nalini*  
**Managing Director,  
OSMCL**

**Memo No. 18687 /Dt. 28.11.2018**

Copy forwarded to Sr. Manager (IT), OSMC for information and necessary action.

*Nalini*  
**Managing Director,  
OSMCL**