



JAMMU AND KASHMIR MEDICAL SUPPLIES CORPORATION LTD.

(Public Sector Undertaking of Govt of Jammu & Kashmir)

Plot No 58, Friends Colony, Marble Market, Trikuta Nagar, Jammu

Corporate Office Kashmir: 121, Green Avenue, Hyderpora, Opp. Al-Farooq Masjid, Srinagar

Telephone: 0191-2580842, Fax: 0191-2581845 (Jammu); Telefax: 0194-2432008 (Srinagar)

Subject: Blacklisting /Debarring order in favour of M/s Sam Kem, 15-B & 10-B, A.K.V.N. Industrial Area, Rangwasa Rao, Indore (M.P.).

ORDER NO: 66 -JKMSCL of 2025

DATED: 21 /08/2025

Whereas, the E-bid for finalization of Rate Contract for the procurement of Allopathic Drugs /Medicines was issued vide NIT No. JKMSCL/Drugs and medicines/2023-24/592 dated 28-07-2023;

Whereas, M/s Sam Kem authorized M/s Vikrant Life Sciences Pvt. Ltd. (bidder) to participate in the above mentioned bid for various items including Liquid Paraffin 500 ml bottle vide authorization No. SK/LET/23-24/782 dated 08-09-2023 on behalf of your firm;

Whereas, after following due procedure the Rate Contract for the item Liquid Paraffin 500 ml bottle was awarded vide No. JKMSCL/GM(Drugs)/592/19514-19 dated 30-01-2024 for the period of 02 Years (i.e. till 29-01-2026) and accordingly, the following Purchase Orders for the item Liquid Paraffin 500 ml bottle were issued by JKMSCL:

S.No.	PO No./Date	Qty	Total Cost With Tax
1	JKMSCL/DHSJ/PMCJ/ Annual Demand 2024-25 (10282402725) / 12-Mar-2024	275	31108
2	JKMSCL/DHSK/Shri Amarnath Ji Yatra/2024 (10282403462) / 01-Apr-2024	700	79184
3	JKMSCL/PDCJ/PDCS/Supplementary demand 2024-25 (10282405173) / 16-Oct-2024	50	5656
4	JKMSCL/DHSJ/DHSK/Supplementary Demand 2024-25 (10282405587) / 18-Oct-2024	2705	305989.6
5	JKMSCL/NewGMC/SupplementaryDemand2024-25 (10282406082) / 29-Oct-2024	300	33936
6	JKMSCL/DHSJ/DHSK/ Annual Demand 2025-26 (10282501016) / 22-Mar-2025	5902	667634.24
7	JKMSCL/DTO Jammu/2024-25 (10282501520)/25-Mar-2025	20	2262.4
8	JKMSCL/PMCJ/PMCS/ Annual Demand 2025-26 (10282501549) / 26-Mar-2025	3140	355196.8
9	JKMSCL/NewGMCs/ Annual Demand 2025-26 (10282502615) / 01-Apr-2025	250	28280
10	JKMSCL/SKIMS Soura/ Annual Demand 2025-26 (10282503547) / 11-Apr-2025	200	22624
11	JKMSCL/Police Hospital JK/ Annual Demand 2025-26 (10282503984) / 21-Apr-2025	50	5656
Total		13592	1537527.04

Whereas, a document issued vide No: P.04(PF)/RMSC/QC/2024-25/319 dated 09/05/2024 by Rajasthan Medical Services Corporation (RMSC) has been received by

this office, wherein the M/s Sam Kem has been blacklisted for the product Liquid Paraffin 100 ml bottle for a period of 02 years due to failure in the viscosity test of 07 batches;

Whereas, it is mandatory for the firms to inform JKMSCL about blacklisted product but no information with regard to blacklisting of above mentioned item by RMSC has been communicated by M/s Sam Kem to JKMSCL, which is in violation of various clauses of the SPP of JKMSCL;

Whereas, M/s Sam Kem has also violated the following Terms & Condition of NIT:

Clause 39. COMPLIANCE WITH THE CODE OF INTEGRITY AND NO CONFLICT OF INTEREST:

h. Disclose any previous transgressions with any Entity in India or any other country during the last three years or any debarment by any other procuring entity.

Whereas, an explanation was sought from M/s Sam Kem vide e-mail dated 15-04-2025 and in response the firm submitted as under:

- *Our product Liquid Paraffin (heavy grade) was debarred/ blacklisted by TNMSCL in July 2023 due to NSQ on viscosity parameter which has been contested by us.*
- *Unfortunately, the same product was debarred by RMSCL in 2024. We did not receive the blacklisting order and were not aware of the same till recently.*
- *We are supplying Liquid Paraffin (both heavy and light) under a repacking licence. That is, we buy the product in bulk and repack it in the required packing as per the customers requirement. At the time of buying the raw material, each batch is supported with the testing report from the original manufacturer of Liquid paraffin.*
- *Before and after repacking the material, the product is retested in our in house laboratory. After that, each batch of the product is also tested in government approved NABL laboratories which is furnished to the various State Government's Medical corporations & Government Institutes.*
- *Once the product is supplied to the buyer, the warehouse storage and onward local transportation plays a great role in maintaining the viscosity/quality of this product. Tamil Nadu and Rajasthan are amongst the hottest states where precautions for warehouse storage etc. have to be taken care of which we understand has not been done.*
- *We are supplying this product to various state medical corporations and health departments and have not faced any quality issues till date other than the above mentioned states. Even the material supplied to JKMSCL passed the quality tested by your empanelled laboratories.*
- *We are sorry that we could not inform you about the debarring in RMSCL due to us not being aware of it and not out of any malafide intention.*

Whereas, it implies from aforesaid reply to the explanation that the firm was also blacklisted by TNMSC in July, 2023 due to NSQ on viscosity parameter which has been contested and the above mentioned NIT was issued by JKMSCL on 28-07-2023 & last date of submission of bid was fixed on 16-09-2023;

Whereas, another e-bid for finalization of Rate Contract for purchase of Allopathic Drugs was issued by this office vide No. JKMSCL/DRUGS & MEDICINES/ 2023-2024/637 dated 08-11-2024, M/s Sam Kem submitted its bid on 27-12-2024;



Whereas, as per NIT Terms & Condition viz. Annexure "D", all the firms are required to submit information with regard to blacklisting of firm /product, if any and after going through the Annexure D submitted by the firm at the time of submission of bid document, it has been found that the firm undertakes that neither their item nor their firm blacklisted by any Government department;

Whereas, keeping view of above, it has been observed that M/s Sam Kem not only one but twice concealed the information regarding blacklisting of their product;

Whereas, at the time submission of both the bids M/s Sam Kem had also submitted the affidavits on Non-judicial stamp paper duly attested by Public Notary and undertakes as under:

- i) *That Neither our firm nor our Directors and Officers stand blacklisted /debarred or banned /convicted by Bid Inviting Authority or Government of Jammu & Kashmir or any State Govt. or Govt. of India or its enterprises on the date of bid submission on the ground of submission of fake or forged documents or false information/ facts, or for supply of drugs/ medicines in India.*
- ii) *I/we are not insolvent, in receivership, bankrupt or being wound up. not have my/our affairs administered by a court or a judicial officer, not have my/our business activities suspended and not the subject of legal proceedings for any of the foregoing reasons;*
- iii) *I am/ We are aware of Tender Inviting Authority's right to forfeit the Earnest Money Deposit and/or Security Deposit and blacklisting me/us for a period of 3 years incase, any information furnished by us proved to be false at the time of inspection or otherwise and not complying the conditions as per GMP Guidelines.*
- iv) *I also declare on oath, that if any information furnished by me as above is found wrong, false, forged or fabricated; the Corporation will be at liberty to cancel the Bid and forfeiting the earnest money deposit and or performance security, for which I shall be solely responsible and the laboratory/firm may be Debarred/Banned/prosecuted for the same.*

Whereas, the matter was placed before the Disciplinary Committee in its meeting held on 21-05-2025 and it was decided by the Committee that keeping in view the Principle of Natural Justice a Show Cause Notice be issued against you firm for seeking explanation in the matter, as the firm violated the Terms & Conditions of NIT as well as submitted the false undertaking / information;

Whereas, a Show Cause Notice was issued against M/s SamKem JKMSCL/GM/DISC/2025-26/1843-50 dated 28-05-2025 and in response to the Show Cause Notice, the firm submitted its reply on 04-06-2025, wherein the firm communicated that the product blacklisted by TNMSC is Liquid Paraffin IP "Heavy", which is quite different from product quoted in JKMSCL;

Whereas, the suppression of facts falls under clause 7.34.1.2 "Fraudulent practice" and other relevant clauses of SPP are mentioned as under:

6.2.7 The bidders who have been blacklisted/debarred by Tender Inviting Authority or blacklisted/debarred by any State Government or Central Government Organization for the reasons of quality non compliances, GMP non-compliances, major violation of the Drugs

and Cosmetics act 1940(as amended from time to time), furnishing forged /fabricated /fake documents, should not participate in the tender during the period of blacklisting/ debarring. Their bids if submitted shall not be considered.

6.2.8 where a product(s)/ supplier is blacklisted / debarred in any other state or by central Govt. agency for reasons as detailed in preceding clause occur after the submission/ opening of the bid/ award of contract, the product(s) /bidder will be liable for blacklisting /rejection / termination / cancellation of the contract / purchase order / LOI or any other action as deemed fit. The product(s) bidder will be liable for such action in the event of any conviction/initiation of prosecution action under the Drugs and Cosmetics Act 1940 at any stage after submission/opening of bid.

7.34.1.2 "Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Tender Inviting Authority, and includes collusive practice among bidders (prior to or after tender submission) designed to establish tender prices at artificial non competitive levels and to deprive the Tender Inviting Authority of the benefits of free and open competition. Suppression of facts such as blacklisting of the product/bidder elsewhere for reason of failure in quality / conviction under Drugs & Cosmetics act/declaration of more than 2 batches of the product quoted as NSQ in the current/previous years shall be deemed as fraudulent practices. Making false/incorrect statements shall also be treated as fraudulent practice.

Whereas, the reply of the M/s Sam Kem was placed before the Disciplinary Committee in its meetings held on 14-06-2025 & 01-08-2025 and the Committee opined that the reply of the firm is not satisfactory, as the matter pertains to the non-disclosure of information to JKMSCL about blacklisting of any product;

Whereas, it has also been observed by the Committee that the firm submitted false undertaking by stating that neither their firm nor their product has been blacklisted/ debarred by any institution across India and accordingly, committee decided to blacklist the firm M/s Sam Kem for a period of 02 years;

Therefore, keeping in view of above mentioned facts, M/s Sam Kem, 15-B & 10-B, A.K.V.N. Industrial Area, Rangwasa Rao, Indore (M.P.) is hereby blacklisted for a period of 02 Years from the date of issuance of this order and the EMD(s) submitted by the firm is/are hereby forfeited.

(BY ORDER)

 21.8.25

General Manager (Adm.),
JK Medical Supplies Corporation Ltd.

No: JKMSCL/GM/DISC/2025-26/4868-78 21/8/25

Dated: 21-08-2025

Copy to the: -

1. Secretary to the Government, Health & Medical Education Department, Civil Secretariat, Jammu /Srinagar.
2. All HoDs of Health & Medical Education Department, J&K.

3. Financial Advisor /CAO, J&K Medical Supplies Corporation Ltd. to forfeit the EMD(s) submitted by the firm after seeking details from the concerned section, if not available, the amount equivalent to EMD(s) may be deducted from the payment lying with JKMSCL.
4. General Manager (K), J&K Medical Supplies Corporation Ltd.
5. Dy. General Manager (P&S), J&K Medical Supplies Corporation Ltd.
6. Dy. General Manager (Tend. /Legal), J&K Medical Supplies Corporation Ltd.
7. Medical Officer (QC), J&K Medical Supplies Corporation Ltd.
8. Assistant Legal Remembrancer, J&K Medical Supplies Corporation Ltd.
9. PA to Managing Director, J&K Medical Supplies Corporation Ltd.
10. Assistant Programmer, J&K Medical Supplies Corporation Ltd. to upload the order on official website of JKMSCL.
11. M/s Sam Kem, 15-B & 10-B, A.K.V.N. Industrial Area, Rangwasa Rao, Indore (M.P.).
12. Office file.