

Subject: Blacklisting/Debarring Order in respect of M/s Hetero Healthcare Limited, Sy. No. 80-84, Melange Towers, 4th Floor, C-Wing, Patrikanagar, Madhapur, Hyderabad - reconsideration thereof.

ORDER NO: 76 -JKMSCL of 2025

DATED: 17 /09/2025

Whereas, vide Order No. 36-JKMSCL of 2025 dated 18-06-2025, M/s Hetero Healthcare Limited was blacklisted for a period of two years on account of non-execution of Purchase Orders; and

Whereas, aggrieved by the said order, M/s Hetero Healthcare Limited submitted a representation dated 24-07-2025 contending that supplies were to be routed through its authorised agent/dealer, M/s Ashco Drug Trading, under a tripartite agreement; and

Whereas, it was also claimed by the manufacturer that the required medicines had been dispatched on 29-07-2024 through Safe Express and that payment was received from M/s Ashco Drug Trading, thereby reinforcing its belief that deliveries had been made to JKMSCL; and

Whereas, in view of the allegations levelled by the manufacturer firm against its agent/dealer, the matter was placed before the Disciplinary Committee on 01-08-2025; and

Whereas, a show-cause notice was issued to M/s Ashco Drug Trading on 21-08-2025 to explain its position in light of the claims made by M/s Hetero Healthcare Limited; and

Whereas, the reply of M/s Ashco Drug Trading received on 02-09-2025 was considered by the Disciplinary Committee on 11-09-2025, which resolved to afford a final personal hearing to both parties with directions to produce original records; and

Whereas, on 15-09-2025 the representatives of both firms appeared before the Committee, submitted documents and made statements, and the supplier firm also sought permission to execute the unexecuted Purchase Orders; and

Whereas, upon hearing both sides and examining the records, the Committee found contributory negligence on the part of both supplier and manufacturer and, applying the principle of vicarious liability, recommended as under:

- i) In terms of SPP Clause 6.1.6(2), imposition of a penalty of 20% of the value of unexecuted Purchase Orders on M/s Ashco Drug Trading, to be

recovered from payments lying with JKMSCL or otherwise to be deposited within seven days of notice.

- ii) Forfeiture of EMDs of the manufacturer lying with JKMSCL against NIT Nos. 505, 592 and 541.
- iii) Revocation of the blacklisting order dated 18-06-2025 issued against the manufacturer firm, viz. M/s Hetero Healthcare Limited; however, blacklisting/debarring to continue in respect of Tab. Tamoxifen IP 10 mg, Tab. Sofosbuvir 400 mg, Tab. Tenofovir 300 mg + Lamivudine 300 mg, and Tab. Erlotinib IP 150 mg.

Now, therefore, in view of the above, it is hereby ordered that:

Order No. 36-JKMSCL of 2025 dated 18-06-2025 issued by JKMSCL debarring/blacklisting M/s Hetero Healthcare Limited for a period of two years is revoked ab initio; however, blacklisting/debarring shall continue only for the following products, on account of non-execution of supplies to JKMSCL thereby directly impacting the patient care:

- a. Tab. Tamoxifen IP 10 mg
- b. Tab. Sofosbuvir 400 mg
- c. Tab. Tenofovir 300 mg + Lamivudine 300 mg
- d. Tab. Erlotinib IP 150 mg

The Earnest Money Deposits of the manufacturer firm against the defaulted NITs viz. NIT Nos. 505, 541 and 592 are hereby forfeited.

In terms of SPP Clause 6.1.6(2), a penalty of 20% of the value of unexecuted Purchase Orders is hereby levied upon the supplier firm, M/s Ashco Drug Trading. The amount shall either be recovered from payments of the said firm lying with JKMSCL or otherwise be deposited within seven (07) days of issuance of this order, failing which M/s Ashco Drug Trading shall be blacklisted on similar lines without further notice.

Sd/-
Managing Director
J&K Medical Supplies Corporation Ltd.

No. JKMSCL/DISC/2025-26/6048-56

Dated: 17 /09/2025

Copy to the: -

- 1. Secretary to the Government, Health & Medical Education Department, Civil Secretariat, Jammu /Srinagar.
- 2. All Principals Govt. Medical Colleges, J&K/Director Health Services, Jammu/Kashmir.
- 3. Financial Advisor /CAO, J&K Medical Supplies Corporation Ltd.
- 4. All Disciplinary committee members of J&K Medical Supplies Corporation Ltd.
- 5. Dy. General Manager (P&S), J&K Medical Supplies Corporation Ltd.
- 6. P.A to Managing Director, J&K Medical Supplies Corporation Ltd.

7. Assistant Programmer (M), J&K Medical Supplies Corporation Ltd. with the direction to upload the same on the official website.
8. M/s Hetero Healthcare Limited, Sy. No.-80-84, Melange Towers, 4th Floor, C-Wing, Patrikanagar, Madhapur - Hyderabad.
9. All Medical Supplies Corporation(s) for information.
10. Office file.


17.9.25
General Manager (Adm.),
J&K Medical Supplies Corporation Ltd.