

Subject: Debarred / Blacklisting order in favour of M/s N.W Overseas, 42 Devi Murti Colony, Panipat.

ORDER NO: 123-JKMSCL of 2025

DATED: 14/01/2025

Whereas, M/s N.W Overseas participated in the bid invited by this office for procurement of SDVA Aerosol tendered vide NIT No. JKMSCL/MACH/2023/567, Dated: 14.01.2023; and

Whereas, after evaluation of technical bids and following other due procedure, the financial bid was opened and M/s N.W Overseas was found as LI bidder against the mentioned NIT for SDVA Aerosol; and

Whereas, Rate Contract was issued in favour of M/s N.W Overseas vide no. JKMSCL/2023/3348-60 dated 07-11-2023; and

Whereas, after issuance of Rate Contract, this office received an complaint against M/s N.W Overseas alleging therein there is no manufacturing facility exists at the mentioned site i.e. 42-Devi Murti Colony Panipat for the in-question. SDVA Aerosol is being imported from Turkey from company named Detrox . The firm have grossly inflated the cost of the equipment for the item in-question i.e. @ Rs. 6,90,300/-; and

Whereas, vide this office Order No. 61-JKMSCL of 2024 dated 25.07.2024, a committee was constituted to examine the complaint received in this regard; and

Whereas, in order to give fair chance, the above mentioned committee vide communication No. JKMSCL/DGMT/enq/567/548-51 dated 09-10-2024 sought the following documents from the firm:

- i. DIC Registration Certificate
- ii. Excise Certificate/ GST Registration Certificate
- iii. Any other document substantiating your claims for being manufacturer for SDVA Aerosol

Whereas, on the recommendations of the committee constituted vide Order No. 61-JKMSCL of 2024 dated 25.07.2024, a team from this office was deputed to conduct the on-site inspection of the manufacturing unit of M/s N.W Overseas situated at 42 Devi Murti Colony, Panipat, as per the disclosure in the technical bid;

Whereas, the team after spot inspection of the manufacturing site, claimed by M/s N.W Overseas, i.e. 42-Devi Murti Colony Panipat submitted its report and the findings are as under:

- There was no manufacturing unit for Medical Device in question i.e. SDVA Aerosol at 42 Devi Murti Colony Panipat. On further questioning, the proprietor Mr.

Rakesh Singla told the committee members that manufacturing is done at facility located in Gali No. 05 Desraj Colony, Panipat- Haryana.

- The team visited above mentioned manufacturing site in Des Raj Colony and did not find it up to the standards of a manufacturing unit. As per team members observation assembly of the device SDVA Aerosol was orchestrated to show it as manufacturing to the visiting Team. The facility at Des Raj Colony looks like Godown and assembling site for various medical devices
- The team opined that the site in Des raj Colony is being used by multiple firms as few parcels of M/s Surgimed Solutions were also found lying at the same site;
- Proprietor of N.W. Overseas, Panipat was not able to produce any document to clarify above query regarding use of same site for multiple firms. He was asked to show bills of raw material supplied to the firm i.e. M/s N.W. Overseas so that his claim of being a manufacturing unit for device SDVA Aerosol can be authenticated, but he categorically denied and undertaken the same on the letterhead of the firm to submit raw material bills.
- The Video clips and photographs of the above mentioned unit at Des Raj Colony Panipat and 42 Devi Murti Colony Panipat as evidence of committee findings mentioned in the report, were also submitted.

Whereas, from the above it is clear and also stands admitted b y Mr. Rakesh Singla that manufacturing facility is not existing at 42-Devi Murti Colony, Panipat; and

Whereas, under Annexure IV-B (Declaration of Manufacturer/Direct Importer/Indian Subsidiary), the firm have furnished an affidavit dated 21-02-2023 duly notarized undertaking therein that the item SDVA Aerosol are Manufactured at premises at 42, Devi Murti Colony, Panipat (Haryana); and

Whereas, in the mentioned undertaking the firm have also undertaken that *"in case, any variation/discrepancy/wrong declaration is found during scrutiny at later stages, I/We shall be held personally responsible & JKMSCL may take any action including blacklisting/debarring of my/our firm for a period not less than 05 years"*; and

Whereas, matter was placed before the Disciplinary Committee in its meeting held on 10-12-2024, wherein committee opined that it is clear case where the bidder has submitted the false documents and undertakings and accordingly required to be treated with iron hands but only after giving a final opportunity of being heard so that they may submit any claims against the above allegations and findings of the team, after spot inspection; and

Whereas, a Final Show Cause Notice was issued against the firm vide No. JKMSCL/DISC/2024-25/9657-62 dated 30-12-2024, wherein the firm was asked to explain the position within 07 days, failing which the disciplinary action shall be initiated against the firm for submitting false claims/documents including but not limited to blacklisting/ debarring for participating in the bids issued by JKMSCL;

Whereas, the firm on 4th January 2025 through e-mail requested JKMSCL to grant the extension for submitting the reply to the Show Cause Notice till 21.01.2025; and

Whereas, the matter was again placed before the Disciplinary Committee in its meeting held on 07-01-2025 and it was unanimously decided by the Committee that the firm be asked to submit its final reply by or before 12th January 2025; and

Whereas, vide this office letter No. JKMSCL/DISC/2025/10018-23 dated 07-01-2025, the firm was asked to submit the reply to the Show Cause Notice by or before 12th January, 2025;

Whereas, the firm responded to the notice on 13th January, 2025;

Whereas, the matter was discussed in detail during the Disciplinary Committee meeting held on 14-01-2025 and the findings / recommendations of the committee are as under:

- i) The firm submitted an affidavit duly notarized stating therein that "the item SDVA Aerosol are manufactured at our premises at 42, Devi Murti Colony, Panipat (Haryana)."
- ii) The firm also stated in the affidavit that *"confirms and verify that the contents of bidding documents, its bidding documents, its bidding firms, Annexure and other information submitted for bid No. NIT/JKMSCL/M&E/2023-567 dated 14-01-2023 is true and correct to the best of my knowledge and nothing has been concealed therein. In case, any variation/discrepancy/wrong declaration is found during scrutiny at later stages, I/We shall be held personally responsible & JKMSCL may take any action including blacklisting/debarring of my/our firm for a period not less than 05 years"*.
- iii) After going through all the committee reports, report of team which inspected the premises claimed to be manufacturing site i. e . 42 Devi Murti Colony Panipat, communications, pictures, videos & reply of firm dated 13-01-2025 to the Show Cause Notice etc., it is clear that the firm did not have any manufacturing facility at Des Raj Colony Panipat as well as at 42 Devi Murti Colony Panipat.
- iv) The response of the firm submitted on 13-01-2025 was thoroughly examined by the Disciplinary Committee and the same was found unsatisfactory and devoid of any merit rather is an attempt to further mislead JKMSCL by changing the original stand of being manufacturer of the item, as the firm now admits that the item is assembled at their premises, which tantamount to the fact that the said firm is not the original manufacturer of SDVA Aerosol, as such has misrepresented by submitting the false declaration on an duly notarized affidavit.
- v) The firm has deliberately with ulterior motives and malafide intentions claimed to be original manufacturer registered under MSME.
- vi) The firm also violated the Clause 26(b) of NIT viz. "Not misrepresent or omit or misleads or attempts to mislead so as to obtain a financial or other benefit or avoid an obligation".
- vii) Keeping in view all the above facts, the committee after threadbare discussions recommends to blacklist / debar the firm M/s N. W. Overseas, 42 Devi Murti Colony, Panipat for a period of 02 years and the EMD submitted by the firm against the above mentioned NIT be forfeited.

14.01.25

Therefore, in view of above mentioned facts, M/s N.W Overseas, 42 Devi Murti Colony, Panipat is hereby blacklisted / debarred from JKMSCL for a period of 02 years from the date of issuance of this order and the EMD submitted by the firm against the above mentioned NIT is hereby forfeited.

Issued with the approval of TIA.


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

No: JKMSCL/DISC/2024-25/120025-37

Dated: 14/01/2025

Copy for information to the:

1. Secretary to Government, Health & Medical Education Department, Civil Secretariat, Jammu / Srinagar.
2. All Principals, Govt. Medical Colleges, J&K / Director Health Services, Jammu / Kashmir.
3. State Drug Controller, Drug & Food Control Organization, J&K.
4. Financial Advisor/CAO, J&K Medical Supplies Corporation Ltd.
5. General Manager (K), J&K Medical Supplies Corporation Ltd.
6. Dy. General Manager (P&S), J&K Medical Supplies Corporation Ltd.
7. Dy. General Manager (Legal), J&K Medical Supplies Corporation Ltd.
8. Medical Officer (QC), J&K Medical Supplies Corporation Ltd.
9. Assistant Legal Remembrancer, J&K Medical Supplies Corporation Ltd.
10. PA to Managing Director, J&K Medical Supplies Corporation Ltd.
11. All Medical Supplies Corporation(s) Ltd.
12. Assistant Programmer to upload the said order on official website.
13. M/s N. W. Overseas, 42 Devi Murti Colony, Panipat.
14. Office Copy


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