



JAMMU AND KASHMIR MEDICAL SUPPLIES CORPORATION LTD.

(Public Sector Undertaking of Govt of Jammu & Kashmir)

Corporate Head Office Plot No 58, Friends Colony, Marble Market, Trikuta Nagar, Jammu

Kashmir: Opposite State Motot Garage, Near Haj House, Bemina, Srinagar

Telephone: 0191-3510489(Jammu)

Subject: Non- Compliance/ violation of terms & conditions of NIT by M/s Dental Devices and Supplies Ltd, B-113, Block B, Rewari Line, Mayapuri Industrial Area Phase-I, New Delhi-110064...Disciplinary Action thereof.

Order No: 92 /Adm/2024 of JKMSCL

Dated: 12/11/2024

Whereas, the NIT for procurement of various dental instruments was published by JKMSCL vide NIT No: JKMSCL/NIT/INST/2023/597 dated 04-08-2023 and the last date of submission of NIT was fixed on 25-09-2023. Accordingly, the technical bid was opened on 26-09-2023 and as per system generated report M/s Dental Devices and Supplies Ltd. participated in the said NIT.

After going through the technical bid documents, it was found as under:

- i) That the firm participated in the bid as Importer of M/s Dental Devices & Supplies U.K. and have claimed EMD exemption being MSME Unit but as per NIT Terms & Conditions, only manufacturers for goods are eligible for exemption from EMD.
- ii) That it is clearly mentioned in the NIT that in case of foreign Principal Manufacturer, the Average Annual Turnover shall be considered of the sole importer but you have submitted the Turnover Certificate of foreign principal manufacturer.
- iii) That the address submitted by the firm and M/s Orthodontics Supplies Pvt. Ltd. in the above NIT is same i.e. Floor No. 03, Building No. B-113, Block B, Rewari Line, Mayapuri Industrial Area Phase-I, New Delhi.
- iv) That the Managing Director of M/s Orthodontics Supplies Pvt. Ltd. is also the Proprietor of M/s Dental Devices & Supplies (India), which is conflict of interest as per tender Terms & Conditions.

Whereas, a committee was constituted vide this office order No. 63-JKMSCL of 2024 dated 01-08-2024 for examining the instant matter.

Whereas, the clarification on above matter(s) was sought by JKMSCL from your firm on 12-08-2024 and 16-08-2024 through email and your firm submitted the reply on 15-08-2024 and 20-08-2024 respectively.

Whereas, the reply submitted by your firm on 15-08-2024 was examined, wherein it was clarified that the raw material is being imported by your firm which is being supervised and manufactured by M/s Dental Devices & Supplies, U.K in India in collaboration with M/s Dental Devices & Supplies (India).

Whereas, as per the list of quoted products uploaded by your firm in the technical bid document, your firm have not disclosed the above claims and in contrary clearly mentioned that all the items are manufactured by M/s Dental Devices & Supplies, U.K and items are imported by Ms/ Dental Devices & Supplies (India), which shows that the firm have misled / misrepresented JKMSCL.

Whereas, your firm communicated JKMSCL through email dated 12-08-2024 that Dr. Irvin Dua was authorized signatory & Managing Director of M/s Orthodontics Supplies Pvt. Ltd. and his resignation was under process and was accepted on 09-03-2023, as a proof the firm submitted the copy of resignation as well as Board Resolution, mentioning that he will continue to manage physical inventory of M/s Orthodontics Supplies Pvt. Ltd. for two years or until suitable person is replaced.

Whereas, as per the email dated 16-08-2024, it was found that the resignation of Dr. Irvin Dua was accepted by M/s Orthodontics Supplies Pvt. Ltd. on 09-03-2023 but after going through the portal of Ministry of Corporate Affairs wherein as on 27-08-2024, Mr. Irvin Singh Dua was reflecting as the Director of M/s Orthodontic Supplies Private Limited and also the GST returns filed by M/s Orthodontic Supplies Private Limited on 20-01-2024 for October-December, 2023, the name of Authorized Signatory is also showing the name of same person.

Whereas, the matter clearly shows the violation of Clause 26 of above NIT by your firm and Show Cause Notice was served vide this office no. JKMSCL/Adm/2024/4827-30 dated 31-08-2024 with the directions to explain the position regarding the above mentioned facts within 07 days positively failing which the strict disciplinary action in accordance with rules including blacklisting shall be initiated against the firm.

Whereas, the reply to the show cause notice was received through e-mail on 07-09-2024, which was further forwarded to the committee constituted for the

purpose and the committee submitted its report on 28-09-2024, with the recommendations to again place the matter before the Disciplinary Committee.

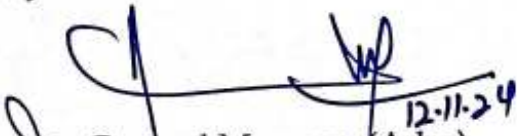
Whereas, the matter was again placed before the Disciplinary Committee in its meeting held on 09-10-2024 and it was unanimously decided that in view of principle of natural justice before initiating action against the firm, a final show cause notice be issued against M/s Dental Devises & Supplies India Ltd. to seek clarification in the matter and also give reason as to why JKMSCL should not initiate the process of blacklisting.

Whereas, a final show cause notice was served to your firm vide No. JKMSCL/ Adm/2024/6076-79 dated 14-10-2024 with the directions to explain the position regarding the above mentioned facts within 05 days positively.

Whereas, in response to the above mentioned final show cause notice, your firm submitted the reply on 19-10-2024 and the matter was placed before the Disciplinary Committee in its meeting held on 25-10-2024.

Therefore, after re-examining the issue and all the replies submitted by your firm the Disciplinary Committee decided that a **penalty equivalent to EMD amount be imposed on your firm.**

Accordingly, in view of the above facts it is hereby ordered that a **penalty equivalent to the amount of EMD is hereby imposed on your firm which may be deducted either from the pending payment with JKMSCL or be submitted afresh.**


General Manager (Adm)
J&K Medical Supplies Corporation Ltd.
Dated: 12-11-2024

No: JKMSCL/Adm/2024-25/1233-38

Copy to the:-

1. Financial Advisor /CAO, JKMSCL.
2. General Manager (P&S), JKMSCL.
3. Dy. General Manager (Tend. / Legal), JKMSCL.
4. Pvt. Secretary to Secretary to the Government, Health & Medical Education Department, Civil Secretariat, J&K for the kind information of the Secretary.
5. PA to Managing Director, JKMSCL.
6. M/s Dental Devices and Supplies Ltd, B-113, Block B, Rewari Line, Mayapuri Industrial Area Phase-I, New Delhi-110064
7. Office Copy.