



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)

M/s Dental Traders,
222, Plot No. 1, Sector-7,
Shri Niketen Apartments, Dwarka,
New Delhi-110045.

No: JKMSCL/GM (Adm)/2024-25/6696-00

Dated: 07-11-2024

Subject: Non- Compliance/ violation of terms & conditions of NIT...issuance of final warning thereof.

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 Traders 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 document as Importer of M/s Aya International USA 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 the firm submitted the Turnover Certificate of foreign Principal Manufacturer;
- iii. That the firm submitted an undertaking issued by M/s AYA International at the time of submission of Minor Infirmities, wherein it is clearly mentioned that "Dental Traders will have to do 20%-30% manufacturing processes in India as per the technical details discussed and agreed"

Whereas, a committee has been 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 on 12-08-2024 and 13-08-2024 through email from your firm and the replies to the both emails was received on 13-08- 2024;

Whereas, the replies submitted by the firm was examined, wherein it was found that earlier the firm submitted the undertaking issued by M/s AYA International at the time of submission of Minor Infirmities, wherein it is clearly mentioned that "Dental Traders will have to do 20%-30% manufacturing processes in India as per the technical details discussed and agreed" but now the firm communicated that the manufacturing license has not been granted to the firm, which shows that earlier the firm did not inform JKMSCL about the dropping of the manufacturing project and now after the enquiry initiated by

JKMSCL, have informed Corporation about the same, which shows that the firm have concealed the facts;

Whereas, it was found that the firm mis-represented and violated the Terms & Conditions of NIT which vitiate the tendering process and further affects the patient care and accordingly, a Show Cause Notice was served to your firm vide no. JKMSCL/Adm/2024/4831-34 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 for examining the reply and the committee submitted its report on 28-09-2024 with the recommendation to place the matter again 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 principles of natural justice before initiating action against your firm, a final show cause notice be issued against your firm for seeking clarification in the matter and also give reason as to why JKMSCL should not initiate the process of blacklisting;

Whereas, the final show cause notice was served to your firm vide no. JKMSCL/ Adm/2024/6080-83 dated 14-10-2024 with the directions to explain the position regarding the above mentioned facts within 05 days positively;

Whereas, the response of your firm dated 19-10-2024 to the above mentioned final show cause notice was placed before the Disciplinary Committee in its meeting held on 25-10-2024 and it was found as under:

- i. The bidder has accepted his mistake with regard to turnover but only after clarification sought by the JKMSCL.
- ii. The firm has not only quoted Class "A" products but also quoted the products, which requires CDSCO License for manufacturing. Further, the bidder nowhere in the tender made any submission that they are only manufacturing non-classified Class "A" products. The bidder informed JKMSCL about the same at the time of clarification sought by JKMSCL.
- iii. At the time of enquiry initiated by JKMSCL, the firm informed JKMSCL that they have discontinued the project for manufacturing the quoted items in India.
- iv. The above response clearly shows that the firm mis-represented JKMSCL by continuously changing statements with regard to manufacturing.
- v. It is important to mention here that the firm in its reply dated 06-09-2024 submitted that they clearly disclosed in technical bid that the manufacturing license had not been issued to them, whereas nowhere in technical bid document, the firm mentioned that they don't have manufacturing license, which also in contrary to the MSME Certificate submitted by the bidder.

Keeping in view of above, **a warning letter is served upon you** with the directions to submit a declaration through affidavit attested by 1st Class Judicial Magistrate that the firm shall not in any case commit intentional/unintentional mistakes or avail the exemption provided under different notifications of Govt. for private enterprise which it otherwise is not eligible while submitting the bid documents/participating in the tender(s) of JKMSCL in future.

A handwritten signature in black ink, followed by the date '7.11.24' written vertically to the right of the signature.

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

Copy to the:-

1. Financial Advisor /CAO, JKMSCL.
2. General Manager (P&S), JKMSCL.
3. Dy. General Manager (Tendering/ Legal), JKMSCL.
4. PA to Managing Director, JKMSCL.
5. Office Copy.