

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
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Subject: Debarring/ Blacklisting of M/s Orthodontic Supplies Private Limited, 193, G/F, Sector 6, Pocket- 1, Dwarka, New Delhi-110075.

Order No: 91 -JKMSCL of 2024

Dated: 11/11/2024

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 Orthodontic Supplies Private Limited, 193, G/F, Sector 6, Pocket-1, Dwarka, New Delhi- 110075 participated in the said NIT.

Whereas, 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 Dulverton Dental Products Ltd. 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 the firm have submitted the Turnover Certificate of foreign principal manufacturer.
- iii. That the same person designated as Managing Director of M/s Orthodontic Supplies Private Limited is also the Proprietor of another company i.e. M/s Dental Devices & Supplies (India), (another participant bidder) 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, vide this office e-mail dated 12-08-2024 and 16-08-2024 clarifications were sought from M/s Dental Devices & Supplies Ltd., by the committee in the instant matter and the reply(ies) for which were received on 15-08-2024 and 20-08-2024 respectively.

Whereas, this office is in receipt of Board Resolution issued by M/s Orthodontic Supplies Private Limited, wherein the firm accepted the resignation of the Director (Dr. Irvin Dua) and it is also mentioned in the resolution that he will continue to manage physical inventory of the company for two years or until suitable person is replaced but as per the GST Return filed by the firm on 20-01-2024 for the period October- December, 2023 the name of same director is showing on the portal.

Whereas, it was observed that even after the resignation of Director was accepted by the firm on 09-03-2023 the portal of Ministry of Corporate Affairs, was reflecting the name of the same person/director of M/s Orthodontic Supplies Private Limited on 27-08- 2024.

Whereas, a Show Cause Notice was served to M/s Orthodontic Supplies Private Limited vide this office no. JKMSCL/Adm/2024/4835-38 dated 31-08-2024, wherein the explanation was sought from the firm with regard to mis-representation and misleading the corporation thereby violating the Terms & Conditions of NIT with the directions to submit the reply(ies) 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 examined by the committee and the committee submitted its report on 28-09-2024 with para-wise remarks on the clarification sought by JKMSCL and recommended to place the matter before the Disciplinary Committee.

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

Whereas, the final show cause notice was served to the firm vide No. JKMSCL/ Adm/2024/6084-87 dated 14-10-2024 and the firm was directed to explain the position regarding the above mentioned facts within 05 days positively and in response to the above mentioned final show cause notice, the firm submitted its reply on 19-10-2024 and accordingly, the matter was placed before the Disciplinary Committee in its meeting held on 25-10-2024 for examination and further necessary action in the matter.

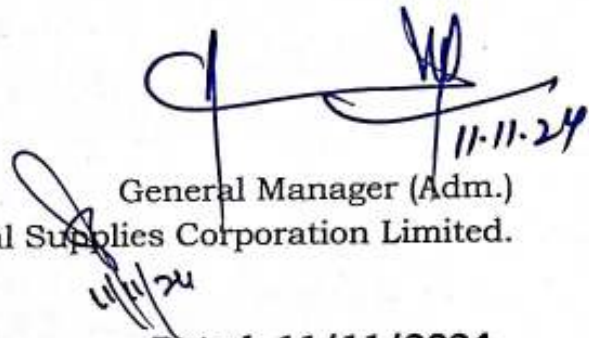
Whereas, after going through the all the Show Cause Notices and replies submitted by the firm, it was found as under:

- i. The bidder has accepted his mistake about the wrong claims of MSME while submitting the technical bid.
- ii. The firm itself confirmed that the Director tendered his resignation on 15-02-2023 and was accepted on 09-03-2023, to the utter surprise it was observed that the NIT was issued on 04-8-2023 and the firm uploaded the technical bid documents against the said NIT, wherein they have mentioned the name of same person as director who had resigned on 15-02-2023.
- iii. It is further submitted that the firm made the changes with regard to the cessation only after the Show Cause Notice issued by JKMSCL dated 31-08-2024, as the said document was also downloaded by the committee on 27-08-2024 from the portal of MCA, wherein the name of same person is shown as Director.
- iv. Committee downloaded the documents of M/s Orthodontic Supplies and found that the same person has signed the document in the capacity of Director of M/s Orthodontic Supplies Private Limited on 30-08-2023 which contradicts the replies submitted by the firm, wherein the firm has submitted that the said Director has no role in the firm post his resignation on 09-03-2023.

- v. The firm again misleads JKMSCL by confirming that the resignation of the director was uploaded on MCA portal before October – December 2023 period whereas the same was not uploaded till 27- 08-2024.
- vi. At the time of filing the GST returns the OTP verification or Digital Signing is mandatory. Thus, nullifying the claims that the name was automatically taken by the GST system.
- vii. The firm accepted during the enquiry initiated by JKMSCL that all the above mentioned points were due to their lapses and administrative negligence and has own the responsibility.

In view of the notices issued and the replies received it is found that the reply(ies) of the firm are not satisfactory and since the firm deliberately misleads the JKMSCL knowing all the facts of their firm thereby violated the Terms & Conditions of NIT/ SPP. It is therefore, ordered **that M/s Orthodontics Supplies Private Limited, 193, G/F, Sector 6, Pocket-1, Dwarka, New Delhi- 110075 is hereby blacklisted / debarred for a period of two years for participating in any NIT issued by JKMSCL from the date of issuance of the order.**

By Order


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

No: JKMSCL/Adm/2024-25/6779-86

Dated: 11/11/2024

Copy to the:

1. Secretary to Govt. Health and Medical Education department Civil Secretariat J&K, Jammu/Srinagar.
2. All Principals Govt. Medical Colleges, J&K /Govt. Dental Colleges, Jammu & Srinagar/Director Health Services Jammu/Kashmir.
3. Financial Advisor/CAO, J&K Medical Supplies Corporation Ltd.
4. General Manager (P&S.), J&K Medical Supplies Corporation Ltd.
5. Dy. General Manager (Tendering), J&K Medical Supplies Corporation Ltd.
6. M/s Orthodontics Supplies Private Ltd., New Delhi.
7. Assistant Programmer (M) with the direction to upload the same on the official website.
8. All Medical Supplies Corporation (S) for information.
9. Office File