

No.T.18018/13/2005-TB(Pt.)
Government of India
Ministry of Health & Family Welfare
(EPW Division)

Nirman Bhavan, New Delhi

Dated: 18 June 2013

ORDER

Subject: Debarment of M/s Concept Pharmaceuticals Limited, Mumbai for a period of three years.

Whereas **M/s Concept Pharmaceuticals Limited, Mumbai** had been awarded UNOPS INDIA/TB DRUGS/001/2007 dated 12/03/08 for supply Schedules II, V, VII, IX, XVII, XX, XXIII and XXVIII of Anti TB drugs on behalf of Health & Family Welfare, Government of India.

2. Whereas **M/s Concept Pharmaceuticals Limited, Mumbai** had also submitted bids for Tuberculosis Control Project I in Jun 2007 as well.

3. Whereas **M/s Concept Pharmaceuticals Limited, Mumbai** is found to have indulged in fraudulent practices in connection with both projects by intentionally or recklessly submitting at least eighteen forged or otherwise deceptive performance certificates and orders in support of the bids under Tuberculosis Control Projects I and II.

4. Whereas **M/s Concept Pharmaceuticals Limited, Mumbai** has been debarred by the Sanction Board, World Bank Integrity Vice Presidency under Decision No. 47, Sanction Case No. 121 pertaining to the Tuberculosis Control Projects I and II (IDA Cr. No. 2936-IN and IDA Cr. No. 4228-IN) for fraudulent practices for a period of three years from **30/05/2012**. By this order **M/s Concept Pharmaceuticals Limited, Mumbai** has been made ineligible –

- i) to be awarded a contract for any Bank financed projects.
- ii) to be nominated subcontractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank- financed contract, and
- iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in preparation or implementation of Bank financed Projects.

The ineligibility shall extend across the operations of the World Bank Group.

5. Whereas the Sanction Board, World Bank integrity Vice Presidency has passed the above after following due process and have given fair opportunity to **M/s Concept Pharmaceuticals Limited, Mumbai**.

6. Whereas on consideration of the materials on record, it appears that **M/s Concept Pharmaceuticals Limited, Mumbai** had indulged in fraudulent practices through –

- i) Misrepresentation of facts – The performance certificates submitted by **M/s Concept Pharmaceuticals Limited, Mumbai** were false/ fabricated.
- ii) **M/s Concept Pharmaceuticals Limited, Mumbai** acted recklessly in using falsified Performance certificates and orders to support their bids under Tuberculosis Control Projects I and II.

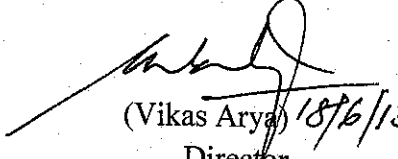
7. Whereas **M/s Concept Pharmaceuticals Limited, Mumbai** in its reply dated 8th February, 2013 to the Show Cause Notice dated 10th January, 2013 has requested to review the matter regarding debarment of the firm on the following grounds:-

- i) that **M/s Concept Pharmaceuticals Limited** has not enclosed any document which is false from their side or any document belonging to the company.
- ii) In the tender of 2000 for World Bank, some old orders of generic for the period 1994 to 97 were enclosed. In fact these were not part of the tender conditions nor they made any difference to the tender but by mistake were enclosed. Some dealers later on did not confirm or said they have not given such orders. In any case we have not shown any sale to them against these orders. After 10 to 12 years, counter boys and other staff changed therefore it is difficult for us to verify.
- iii) **Concept** had enough experience of trade which in fact was not shown in the tender documents. Therefore it was just oversight by Mr. Ramesh Joshi in that tender as such there was not a single document of the company which was made wrongly, except some of these orders which World Bank team felt are wrong, although it was very difficult to prove either way.
- iv) **M/s Concept Pharmaceuticals Limited, Mumbai** has appealed for the review.
- v) In any case this should not affect any business which is not funded by the World Bank.

8. Whereas the contentions put forth by **M/s Concept Pharmaceuticals Limited** have been carefully considered. It is observed that the Sanction Board under its Decision NO. 47 Sanction No. 121, after giving due opportunity of hearing to the company had established reasonably beyond doubt that the company indulged in fraudulent practices and debarred the company for a period of three years from 30.05.2012. It is noted that the company has not adduced any new evidence/ argument in its replies dated 8th February, 2013, to counter their indulgence in fraudulent practices in the bidding process by intentionally or recklessly

submitting the forged or otherwise deceptive performance certificates and orders in support of its bids under the TB I and TB II control projects. The contentions of M/s Concept Pharmaceuticals Limited are unsatisfactory and therefore, not tenable.

9. And now therefore, after careful consideration of the materials on record and the factors discussed above, the competent authority has decided to debar M/s Concept Pharmaceuticals Limited for a period of three years for fraudulent practices as defined in the contract from participating in the bids/ tenders, floated by Ministry of Health & Family Welfare (MoHFW) Govt. of India, its subordinate organizations and State Government under funding from MoHFW. The period of debarment shall take effect on the date this decision issues.


(Vikas Arya) 18/6/13
Director

The Principal Officer,
M/s Concept Pharmaceuticals Limited,
167, CST Road, Kalina,
Mumbai -400018

Copy to:

1. All Divisions in MoHFW
2. All attached/ subordinate offices under MoHFW
3. All State Governments.
4. Director, NIC, MoHFW with the request to upload the order on the website of the Ministry