



OFFICE OF THE MANAGING DIRECTOR
ASSAM MEDICAL SERVICES CORPORATION LIMITED
Central Drug Ware House Campus, Patherquery, Narengi, Guwahati, Assam-781026
Email id: md-amscl@assam.gov.in

e-File No. : 601472/40547

From : Dr. Lakshmanan S, IAS
Managing Director,
Assam Medical Services Corporation Limited

To : Divine Laboratories Pvt. Ltd.
24/B, Sahajanand Industrials Estate , Mujmahuda, Vadodara-390020

Sub : Revocation/withdrawal of Product Debarment Notices vide no-601472/18221, dated-31.08.2025 & 601472/20034, dated-13.11.2025 and cancellation of Framework Agreement in compliance with Hon'ble Gauhati High Court Order dated 20.07.2026 in WP(C)/3689/2026.

Ref :

1. Tender No.: NHM 43018/2022 PROC/AMSCL/ECF: 255581/150953 dated 09.02.2023 and corrigendum.
2. Purchase orders issued from AMSCL vide P.O No. is placed at Annexure-A.
3. Show cause notices and extensions issued between July'2025-Nov'2025.
4. Product Debarment Notice for default in supply of ordered essential drug-Succinylcholine Injection 50 mg/ml, vide order no- 601472/18221, dated-31.08.2025
5. Product Debarment Notice for default in supply of ordered essential drug-Sodium valproate Injection 100 mg/ml, vide order no- 601472/20034, dated-13.11.2025
6. Hon'ble Gauhati High Court Order dated 20.07.2026 in WP(C)/3689/2026 (Divine Laboratories Pvt. Ltd. vs. State of Assam & Ors).

Sir/Madam,

With reference to the Product Debarment Notices vide No. 601472/18221, dated-31.08.2025 & 601472/20034, dated-13.11.2025 (under reference at Pt. no. 4 & 5 above) issued by AMSCL, it is to inform you that the Hon'ble Gauhati High Court, vide Order dated 20.07.2026 in WP(C)/3689/2026 has directed reconsider of the said debarment.

Accordingly, **AMSCL hereby revokes and withdraws the Debarment Notice bearing No. 601472/18221, dated-31.08.2025 & 601472/20034, dated-13.11.2025** (under reference at Pt. no. 4 & 5 above)

Further, in compliance with the Court's directions and without prejudice to the rights of AMSCL under the tender conditions, Letter of Intent, agreement, and applicable law, the following is hereby notified:-

Revocation-

1. The Debarment Notice No. bearing No. 601472/18221, dated-31.08.2025 & 601472/20034, dated-13.11.2025 (under reference at Pt. no. 4 & 5 above) is **hereby revoked/withdrawn** in compliance with the Order dated 20.07.2026 passed by the Hon'ble Gauhati High Court in WP(C)/3689/2026 (Divine Laboratories Pvt. Ltd. vs. State of Assam & Ors)
2. Any consequential action taken solely on the basis of the aforesaid quashed debarment notice, including circulation, website publication, deactivation of purchase orders, and related follow-up action, shall stand reviewed and dealt with in accordance with law and further orders of the competent authority.
3. This revocation shall not be construed as condonation of any alleged delay, non-supply, incomplete supply, breach, or default on the part of your firm, and AMSCL reserves liberty to proceed afresh in accordance with the contract and law.

Cancellation of Contract with AMSCL (Framework Agreement)

4. It appears from the records of AMSCL, including the earlier debarment notice and Annexure-A thereto, that your firm allegedly failed to start/completed/no supply against the mentioned purchase orders within the contractual delivery period (75 days from placing of PO), period with highest late delivery charges has also crossed, (i.e., @2% of the value of delayed goods per week of delay or part thereof subject to a maximum of 10% of the total order value).
5. AMSCL records further indicate that repeated opportunities were allegedly extended to your firm through official communications, extension letters. In view of the default, AMSCL issued several Notice cum Extensions and Show Cause Notices , namely:
 - Show-cause notice issued vide letter no. 601472/16222, dated : 14-07-2025.
 - Notice cum Extension issued vide letter no. 601472/17736, dated : 12-08-2025.
 - Show-cause notice issued vide letter no. 601472/19357, dated : 16-10-2025
 - Final Notice cum Extension issued vide letter no. 601472/19531, dated : 01-11-2025.
 - Show cause Notice issued vide letter No. 575372/8741, dated : 03-01-2025.
 - Extension issued vide letter No. 5753721/9038, dated: 21-01-2025.
 - Extension issued vide letter No.601472/10003, dated: 03-02-2025.
 - Extension issued vide letter No.601472/11297, dated: 03-03-2025.
 - Extension issued vide letter No.601472/12044, dated: 12-03-2025.
 - Notice cum Extension issued vide letter No.601472/13151, dated: 02-04-2025.
 - Show-cause notice issued vide letter no. 601472/13886, dated : 21-04-2025.
 - Notice cum Extension issued vide letter No.601472/14670, dated: 14-05-2025.
 - Notice cum Extension issued vide letter no.601472/15606, Dated :19-06-2025.
 - Show-cause notice issued vide letter no. 601472/16222, dated : 14-07-2025
6. Despite repeated opportunities and extensions, your firm failed to complete supply of 02 nos. of essential drugs ("Sodium Valproate Injection 100 mg/ml" & "Succinylcholine Injection 50 mg/ml") against multiple nos. of POs, and the tender norms require a minimum of 90% of the supply obligation to be fulfilled; for non-incorporation of administrative penalty.
7. Details of non-supply essential drugs as per DVDMS portal are enclosed at Annexure-A with this letter for your reference.
8. AMSCL Authority found that said items are essential in nature for needy patients getting treatment in Govt. Hospitals of the state, therefore several show cause notices were served to your company for non-supply of ordered essential drugs.
9. All efforts as mentioned above via several notices, show-causes, extensions, official communications via mail & telephonic calls were made to get the supply from your company and enough opportunities were given to your company to execute supplies of essential drugs but your company was found defaulter in terms of completion of supplies in a time bound manner causing non availability &

hindrance in public service and also resulted in increase in out-of-pocket expenditure of the patients.

Therefore, in the greater public & patient interest, your **Contract (Framework Agreement) with AMSCL is hereby cancelled** for the following two essential drugs manufactured by "Divine Laboratories Pvt. Ltd.":-

- **Sodium Valproate Injection 100 mg/ml &**
- **Succinylcholine Injection 50 mg/ml**

The relevant administrative and financial penalty clauses of the tender under reference are detailed as below-

Clause No.5, "Terms & Conditions" Sub Clause-H, "Debarment/Blacklisting for failure in execution of supply/non supply/default in supply".

i. Product debarment: In case of non-supply or incomplete supply (i.e. less than 90% of the total ordered quantity) by the approved manufacturer/importer (Firm) within agreed delivery period including the delay penalty period or any such extended delivery period then the concerned rate contract shall be cancelled and the manufacturer/importer (Firm) shall be debarred for participating in any bid called by the Authority for 5 years from the date of debarment for that item. In case the manufacturer/importer (Firm) supply 90% or more of the ordered quantity but fails to supply the entire quantity within the allowed delivery period then the firm shall be levied a penalty @ 10% of the value of the short supplied item and same shall be adjusted against the payment for supply.

ii. Firm Debarment: The firm shall be blacklisted and debarred from participating in any TENDER by the TIA or procuring agency for 3 (three) years if the company is debarred for all the items (where it has RC-"Rate Contract" for less than 3 items) or at least 3 items (where it holds RC-"Rate Contract" for more than equal to 3 items)

iii. Forfeiture of Performance Security: a) In case of Product debarment: In addition to product debarment the performance security deposited by the supplier for that particular product shall be forfeited and apportioned towards financial penalty. b) In case of Firm debarment: In addition to firm debarment the entire performance security deposited by the supplier shall be forfeited and apportioned towards financial penalty.

Clause No.5, Sub Clause-M. Alternative Purchase:

i. If the empanelled supplier fails to execute the supply within the stipulated time, AMSCL is at liberty to make alternative purchase of the items for which the Purchase Orders have been placed from any other sources (such as Public Sector undertakings at their rates, empanelled bidders, and bidders who have been technically qualified in the said bid) or in the open market even at higher rates at the risk and the cost of the supplier and in such cases AMSCL shall have every right to recover the cost and impose penalty, apart from termination of the contract for the default.

ii. In the event of making ALTERNATIVE PURCHASE, the supplier will be imposed penalty apart from forfeiture of Security Deposit. The excess expenditure over and above contracted prices incurred by AMSCL in making such purchases from any other source or from the open market shall be recovered from the Security Deposit or from any other money due to the supplier and in the event of such amount being insufficient, the balance will be recovered personally from the supplier or from his properties, as per rules.

10. So, it should be noted that in the previous round the Hon'ble Court found fault because the earlier debarment notices dated 31.08.2025 & 13.11.2025 were issued before the Cancellation of Framework Agreement/RC; therefore, fresh

Cancellation of Framework Agreement/RC order is being issued comprehensively in respect of the two (2) drugs listed above.

This cancellation order is issued by and under the authority of the competent authority, in compliance with the Order dated 20.07.2026, and in view of the observations of the Hon'ble Gauhati High Court regarding authority and due process.

This is for favour of your kind information.

Encl: **Annexure-A** (non-completion details of ordered drugs as per DVDMS portal)

(Dr. Lakshmanan S, IAS)
Managing Director,
Assam Medical Services Corporation Limited

Memo e File No. : 601472/40548-40560

Copy to the:

1. Commissioner & Secretary to the Govt. of Assam, H & FW Department & Chairman AMSCL for kind information.
2. Commissioner & Secretary to the Govt. of Assam, MERD for kind information.
3. Mission Director, NHM, Assam for kind information.
4. Director of Medical Education, Assam for information.
5. Director of Health Services, Assam for information.
6. Principal cum Chief Superintendent/Superintendent, all Medical Colleges for Information.
7. Joint Director of Health Services, all districts for information.
8. SFC/GM (Proc.)/GM-CFO (F & A)/GM (SCM), AMSCL for information.
9. Sri, Dipankar Prasad Borah, Standing Counsel, Health & Family Welfare Department for information.
10. Manager (QC), AMSCL for information.
11. DDSM-all Districts and M.O i/c & Pharmacist-all Medical Colleges and Admin Manager & Pharmacist-AMSCL State Store & Office Manager (Store &Transport) & Pharmacist NHM-Central Store for information.
12. Project Manager, CDAC for necessary action in the DVDMS portal.
13. Sr. Manager (IT & Logistics), AMSCL – for necessary action to replace the debarment notice referred at ref.4 &5 (above) with this letter from the AMSCL website.

-e-Signed-
(Dr. Lakshmanan S, IAS)
Managing Director,
Assam Medical Services Corporation Limited

Annexure-A

DRUG AND VACCINE DISTRIBUTION MANAGEMENT SYSTEM
NHM and AMSCL
Guwahati

Sl No.	Item Name	Supplier Name	PO No	PO Approval Date	Schedule Delivery Days	Scheduled date of delivery	Ordered Qty	% of delivery
1	Sodium valproate Injection 100 mg/ml	Divine Laboratories Pvt. Ltd.	2020102387658	01-03-2025	75	14-05-2025	1100	54.55
2	Succinylcholine Injection 50 mg/ml	Divine Laboratories Pvt. Ltd.	2020102384669	27-06-2024	75	09-09-2024	17050	82.4
3	Succinylcholine Injection 50 mg/ml	Divine Laboratories Pvt. Ltd.	2020102385965	21-10-2024	75	03-01-2025	2375	0
4	Succinylcholine Injection 50 mg/ml	Divine Laboratories Pvt. Ltd.	2020102386986	05-12-2024	75	17-02-2025	26850	56.72
5	Succinylcholine Injection 50 mg/ml	Divine Laboratories Pvt. Ltd.	2020102387316	01-03-2025	75	14-05-2025	13650	0
6	Succinylcholine Injection 50 mg/ml	Divine Laboratories Pvt. Ltd.	2020102387649	01-03-2025	75	14-05-2025	6000	0

-e-Signed-
 (Dr. Lakshmanan S, IAS)
 Managing Director,
 Assam Medical Services Corporation Limited