

Resumed on S.A.**Cross examination by Adv. Miss. S. V. Thorat for the Opponents.**

26. I brought the authority letter issued by Mr. Deepak B. Mirje, partner of M/s. S.S. Mirje & Co. today with me. I am filing the same along with list today. I have gone through the present application. It is correct to say that the applicant has challenged notice form C-18, C-19 and prohibitory order by way of present proceeding. It is correct to say that I have not remitted 50% of the claimed contribution in pursuance of Sec. 75(2)(B) of ESI Act. I have deposited Rs. 50,000/- in compliance of the Court's order dtd. 21.11.2020. It is not correct to say that the present application is not maintainable for want of remittance of Rs.66800/- i.e. balance amount.

27. I am working with the applicant since June 2014 on the post of Accounts Manager. I have gone through the documents filed by the applicant. I have not gone through the documents filed by the opponent in the present proceeding. Now I am shown documents with list Exh.26. Now I am shown document s.n. 4 form 01 dtd. 16.08.1988. It is correct to say that overleaf on page 2, it is signed by Mr. Deepak B. Mirje, partner of applicant. It is correct to say that at the time of registration the address of the applicant firm is mentioned as Udyam Chambers, Rajaram Rd., Kolhapur. The contents are admitted. Now I am shown document s.n. 5. It is received by the applicant. It is Form C-11 dtd. 24.4.1991. It is correct to say that in Kolhapur Municipal area the ESI contribution rate was 6.5% i.e. employer's contribution 4.5% and employee's contribution 1.75%. It is correct to say that till

April 2017 the applicant remitted contribution @6.5%. It is correct to say that notice Form C-18 was issued to the applicant. Now I am shown document S.N. 3 filed with list Exh.26. It is the copy of notice in Form C-18. Now I am shown document S.N. 1 filed with list Exh.26. It is communication dtd. 01.01.2020. It is received by the applicant.

28. It is correct to say that the applicant was informed to produce the salary register in respect of all the employees working at old and new address. It is not correct to say that applicant failed to produce requisite record with the opponents. Witness submits that there was some communication and also personal visit. It is correct to say that no document is produced in present proceeding to show that such record was produced before the opponents. It is correct to say that thereafter notice C-19 dtd. 20.8.2020 document no. 2 with list Exh. 26 was issued.

At the request of Ld. Counsel for Opponents further cross examination in deferred till next date.

R.O.A.C.

Kolhapur.

Date :- 21.02.2024

(S. S. Khandekar)
Member,

Industrial Court No. 1, Kolhapur.