

**Resumed on S.A.****Cross-Examination by Adv.U.R. Jadhav for Respondent**

28. It is true to say that applicant firm is a partnership firm doing manufacturing of soaps. It is true to say that our firm is covered under Employees State Insurance Act, 1948 having code number as mentioned in my statement and application.

29. It is true to say that notice C-18 dt.30/11/2022 which is now shown to me was sent to me by ESI Corporation for non payment of ESI dues for the period December 2017 to March 2020. It is at **Ex.C-10**. It is true to say that in the said notice it was informed to remain present for personal hearing on 16/12/2022. It is true to say that I did not remain present for the personal hearing. Witness volunteers that I have sent representation by post informing the authorities that the establishment was closed. The said letter is now shown to me. It is the same. It is at **Ex.C-11**. I did not send any documents alongwith the said letter. It is true to say that vide letter dt.19/12/2022 another opportunity was granted to remain present on 4/01/2023. The said letter is now shown to me. It is the same. It is at **Ex.C-12**. I did not remain present the said personal hearing due to my ill health. Witness volunteers that I have sent all the relevant documents to the authorities by registered post. I have to receive order passed by ESI Corporation u/s 45-A dt.05/01/2023. It is now shown to me. It is the same. It is at **Ex.C-13**. It is true to say that prior to passing order u/s

..11..

45-A I was granted opportunity. It is not true to say that there is no evidence except my bare words to show that I have sent the documents to the authority.

30. I cannot tell exactly that the documents which are called by authorities by letter dt.19/12/2022 (Ex.C-12) were not sent by me. It is true to say that it is the responsibility of the employer to inform the ESI Corporation about closure of the business. It is not true to say that since 2017 to 2023 I never inform the ESI Corporation regarding closure. It is true to say that I have no documentary evidence to show that I have informed to the ESI Authority about closure. Witness volunteers that Factory Inspector, MSEDCL, Pollution Control Board, Industrial Estate Authorities were informed about closure of business in October 2017. I have filed documents regarding information given to the various departments regarding closure. It is not true to say that the order passed u/s 45-A by ESI Corporation is legal and proper. It is not true to say that the documents of Balance Sheet, Profit and Loss Account filed by me are bogus. It is not true to say that I have filed the present matter to avoid ESI dues.

Cross-examination completed.

No Re-Examination.

Sangli.

Date : 27/01/2025

Sd/-  
(D.M. Patil)  
Member,  
EI Court & Industrial Court, Sangli