

**Further Examination in chief by Adv. Shri.N.B.Borkar for the applicant :-**

25. The contents of my affidavit are true and correct. I signed after understanding it.

**Cross Examination by Adv. Shri. S.V. Bobade for the opponent :-**

26. The office of applicant is situated at Vidyanagar, Jejuri. The nature of my business is supplying manpower. I am supplying labour at Purandar. It is true to say that I am not supplying labour at any other place except Purandar. It is true to say that till 2016 ESI Act was not applicable to the applicant before issue of Government notification. It is true to say that Jejuri area of Pune district came under ESI Act vide notification of the year 2016 issued by the Government. It is true to say that as per said notification, the employer is liable to pay 4% ESI contribution. I am unable to tell as to from where I mentioned employers contribution as 3.25% and employees contribution as 0.75% in my affidavit. I am unable to tell as to for how many months problem of paying contribution by on-line challan was subsisting. It is true to say that software problem was corrected within two months. I am unable to tell as to why I have not paid ESI contribution until April 2019. It is true to say that ESI corporation declared by giving notice in newspaper that till the problem of paying challan on-line is subsisting till then the challan shall be paid manually. It is true to say that I received notice in Form C-18 actual issued by corporation. I am unable to state as to why I have mentioned in my affidavit that there is no

requirement in law to approach ESI corporation after receipt of notice in Form C-18 actual. It is not true to say that I was given an opportunity vide notice in Form C-18 actual, but I not availed the same. It is true to say that recovery action taken against me is legal. It is not true to say that recovery made by ESI corporation of ESI contribution from bank account is proper and legal.

**NO RE-EXAMINATION**

**R. O. A. C.**

**Date :- 21.08.2023**

**Place :- Pune.**

**( K.N. Gautam )**

**Judge, Insurance Court, Pune.**