

Appln. (ESI) No. 33 of 2015

Exh. C-32

Resumed on S.A.

Further examination-in-chief by Adv. Shri. Manoj Suryavanshi for the Applicant

13. The contents of my affidavit are true and correct and I have signed on it after reading and understanding it.

Cross examination by Adv. Shri. Sachin Bobade for the Opponent

14. At the relevant time, I was looking after the compliance related issues in respect of ESI Act. At the relevant time, there were 7 to 8 contractors working with our undertaking. About 300 to 350 employees of the contractors were working in the premises of our factory at the relevant time. We are not issuing gate pass to the employees of the contractors for entering into the premises of our factory. We are keeping register at the gate of our factory and the employees of the contractors were entering into the factory premises by making entry in that register. It is true to say that we are having supervision over employees of the contractors. It is true to say that if information sought about any employee working in our factory premises of contractors then we are in position to give specific information that whether he is within the factory premises or not. I am not aware whether the register maintained about the employees of contractors was referred to the Social Security Officer of the opponent at the time of his visit.

15. We are ensuring regarding the employees of M/s. S.

Enterprises who are entering into the premises of our factory at the relevant time regarding the fact that whether the registration under ESI Act was done or not and whether the contribution of ESI of each employee paid or not. It is true to say that it was difficult for us to ensure the aforesaid compliance of each and every employees of M/s. S. Enterprises. I am not aware whether I gave information to Social Security Officer that apart from the applicant's factory, M/s. S. Enterprises is also providing employees to other factories also. It is not true to say that I stated falsely that M/s. S. Enterprises is solely liable to pay ESI contribution of its employees. It is true to say that the applicant is the principal employer of employees of M/s. S. Enterprises who were working within the premises of factory of the applicant. It is not true to say that it was the responsibility of the applicant to ensure from M/s. S. Enterprises that whether it is paying the ESI contributions of the employees working in our factory premises and if it was not being paid, then it was the responsibility of the applicant to pay the same. It is not true to say that whatever responsibility fixed by Social Security Officer regarding employees of M/s. S. Enterprises working in our factory was correct and it was responsibility of the applicant to pay the contribution determined. It is not true to say that I am deposing falsely.

No re-examination

R. O. A. C.

Date :- 21.09.2022

(K.N. Gautam)

Judge,

Place :- Pune.

Insurance Court, Pune.