

**Resumed on S.A.**

**Further examination in chief by Adv. Mr. A.R. Joshi for the applicant**

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

**Cross examination in chief by Adv. Mr. Sachin Bobade for the opponent**

14. I do not want to file any documents in support of my affidavit. I was serving as HR Manager in applicant company from January 2011 to September 2016. It is true to say that I was having liability of making compliance of provisions of ESI Act as well as other Acts. The contract of applicant company took place with S Enterprises during the period from April to March every year. S Enterprises was doing trifling work of trolley repairing in the premises of the applicant company on need base call and the remaining work they were doing in their premises. The applicant company has never intimated to ESI corporation as to what sort of work took place in the premises of the applicant company and what work took place within the premises of S Enterprise of applicant's company. It is true to say that applicant company was the principal employer of the employees of the S. Enterprises. The S Enterprises was the contractor having its separate ESI code and the applicant company never gave contract to the contractors who not having ESI code. It is true to say that if our contractor did not pay ESI contribution of its employees, then it is the

responsibility of the applicant company to pay the same. It is true to say that during inspection, applicant company was told to submit record of S Enterprises and the applicant company has produced entire record of S Enterprises. I do not remember as to exactly how many employees of S Enterprises were deputed in applicant company for carrying out activities in the applicant company. I do not remember whether any document filed on record to show that how many employees of S Enterprises were deputed in premises of the company of the applicant. The amount of Rs. 47,60,101/- towards payment to S Enterprises was calculated on the basis of record submitted by the applicant company. Out of said amount, what is the wage component, I am unable to tell. It is true to say that the inferences drawn by ESI Inspector is on the basis of record submitted by the applicant company. I am unable to tell that the liability fixed in respect of S Enterprises on applicant company is correct. I am unable to tell that apart from applicant company to which companies S Enterprises was providing its services. It is not true to say that I falsely deposed that apart from applicant company, S. Enterprises was providing its services to other companies also. I am unable to tell that due to non payment of ESI contribution by S Enterprises the applicant company is liable to pay said ESI contribution.

NO RE-EXAMINATION

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

**Date :- 27.01.2023**

**Place :- Pune.**

**( K.N. Gautam )**

**Judge, Insurance Court, Pune.**