

Further examination in chief by Adv. Shri. Bobade for opponent :-

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

Cross examination by Adv. Shri. Manoj Suryawanshi for applicant :-

13. It is true to say that I am retired from ESI Corporation on 31.5.2024. At the time of retirement, I was serving as Assistant Director. I am having knowledge about the case of the applicant. I am authorized by the ESI corporation to depose in the present case. I have not filed said authority on record. I was allotted inspection by the ESI corporation, hence I have done inspection of the applicant establishment on 1.12.2014 and 2.12.2014. In this regard, order was made by the ESI corporation. The said order contains material particulars in respect of applicant establishment. It is not true to say that said inspection was in respect of finding out the contractors of the applicant. It is true to say that M/s. Hawk Eye Security, Allied Resource Management Services and M/s. S. Enterprises were the contractors of the applicant establishment. It is not true to say that during my visit, the applicant establishment provided all the documents to me for inspection. It is not true to say that I gave inspection report without considering documents. I have considered Profit & Loss Accounts, Balance Sheets, ledgers, bank account, cash account, party ledgers, contractor ledgers etc. while giving my inspection report. It is true to say that said documents were provided by the

applicant establishment. I have taken information in respect of separate ESI code of M/s. Hawk Eye Security provided by the applicant.

14. It is true to say that at the time of first personal hearing, Mr. Amrendra Hasabnis was present on behalf of the applicant. It is true to say that at the time of personal hearing Mr. Amrendra Hasabnis gave information in respect of Allied Resource Management Services. It is true to say that at the time of second hearing on 15.6.2015, Mr. Amrendra Hasabnis provided documents and information in respect of M/s. Hawk Eye Security. I do not remember that Mr. Amrendra Hasabnis also brought to my notice that in November / December 2013 their contracts with contractors were terminated. Now the witness says that Mr. Amrendra Hasabnis told to ESI authority regarding termination of contracts of applicant with the contractors. I do not know that on 24.7.2015, the applicant again remained present for hearing and gave information regarding M/s. S. Enterprises. I do not know that at that time separate ESI code number of M/s. S. Enterprises was brought to the notice of ESI corporation. I do not know that M/s. Hawk Eye Security, M/s. S. Enterprises and Allied Resource Management Services were providing employees to other companies also. I have not obtained information that whether aforesaid contractors paying ESI contribution of their other employees not employed with the applicant establishment. The ESI corporation has given notices to the aforesaid contractors. It is true to say that the establishment which obtained separate ESI

Code is considered as independent entity. It is true to say that M/s. Hawk Eye Security and Allied Resources Management Services are registered under Companies Act. I have not visited personally to the offices of the aforesaid contractor.

[At this stage, at oral request of learned counsel for the applicant, further cross examination is deferred till next date.]

R. O. A. C.

Date :- 11.11.2024
Place :- Pune.

(K.N. Gautam)
Judge, Insurance Court, Pune.