

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

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

Cross Examination by Adv. Smt. Megha Bhalerao for the opponent :-

14. I am working in applicant company since the year 2010. In the year 2010, I joined applicant company as HR (Admin). I have not gone through inspection report dated 12.6.2007. I was not present at the time of inspection dated 12.6.2007. I was not present at the time of personal hearing dated 24.6.2009. I have not filed any documentary evidence to show that the party listed at Serial No. 1 to 12 in show cause notice dated 26.5.2009 are the independent vendors. It is true to say that the applicant is the principal employer of the contractor attached with it. It is true to say that self certification of the parties referred in para 4 of my evidence were prepared by the applicant. It is true to say that no documentary evidence filed to show that the contractors have not employed necessary number of employees required for payment of ESI contribution. It is not true to say that order under Section 45A of the ESI Act dated 22.12.2009 is proper and correct. I do not know the names of the contractors whose coverage was dropped by the ESI corporation. I have not filed documentary evidence to show that coverage of some contractors was dropped by ESI corporation. It is true to say that I have not filed any documentary evidence in

respect of Auto Fina Company regarding its ESI code and other details. I do not know whether any documentary proof regarding Auto Fina company was submitted during personal hearing. It is true to say that I have not filed documentary proof in respect of Marktech Laser Marketing regarding its ESI code and other details. I have not filed documentary evidence to show that there were only 6 employees in Marktech Laser Marketing and hence ESI Act is not applicable to it. I am not aware regarding any notice sent by ESI Corporation to Mera Industries. I do not know whether any permission taken of contractor before doing self certification on their behalf. I came to know from company situated in the vicinity of applicant company about the customers of Mera Industries. I have not filed documentary evidence to show that the contractors were merely supplying component and carrying out their work in their establishments by engaging their own workmen. No documentary evidence filed on record to show that the applicant merely purchasing finished goods from the contractor. I have not filed muster registers of employees of contractor. It is not true to say that I filed false affidavit only to avoid liability under ESI Act.

NO RE- EXAMINATION

R. O. A. C.

Date :- 08.1.2024
Place :- Pune.

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