

**Further examination in chief by Adv. Shri. 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. Shilpa Chopra for the opponent :-**

14. It is true to say that the applicant is covered under the ESI Act since the year 2007. It is true to say that the Insurance Inspector visited applicant establishment for inspection. Now the inspection report dated 30.7.2013 and visit note dated 30.7.2013 shown to me. It bears my signature. It is at **Exh. E-12 and E-13.** Their contents are correct. Now the inspection observation dated 30.7.2013 shown to me. It bears my signature. It is at **Exh. E-14.** Now the inspection report dated 23.9.2013 and 28.9.2013 and visit note dated 23.9.2013 and 28.9.2013 shown to me. It bears my signature. They are at **Exh. E-15 and E-16.** Now the inspection observation dated 28.9.2013 shown to me. It bears my signature. It is at **Exh. E-17.** I have produced all the records sought by the Insurance Inspector at the time of inspection which includes challans, inward / outward registers, invoices, payment receipts etc. I have produced record of payment of wages to the employees, salary statement of the employees and muster roll before Insurance Inspector. It is not true to say that I have not given clarification sought by Insurance Inspector at the time of his visit. I have produced documentary evidence regarding

bifurcation and clarification on record. I have filed documentary evidence on record to show that I have give bifurcation and clarification of omitted wages to the Insurance Inspector. It is not true to say that I have not paid ESI Contribution for the period from April 2009 to March 2011. I have produced the list of contractor to the ESI Corporation. I have filed documentary evidence in this regard in Court. I have not received notice in Form C-18 issued by ESI Corporation. Now the acknowledgement card at Serial No. 4 with list E-11 shown to me. I am unable to identify signature on it. I have not attended the personal hearing. I do not remember whether representative of the applicant attended personal hearing. Now the letters dated 25.6.2014 at Serial Nos. 7 to 9, Page Nos. 61 to 63 with list Exh. E-6 shown to me. The said letters are given by applicant. They are at **Exh. E-18 to E-20.** It is not true to say that even after grant of ample opportunities, no record submitted by the applicant to ESI Corporation. The address of 114/1/1, General Block, MIDC Bhosari, Pune 26 is the address provided by the applicant to ESI Corporation. Today also the applicant is having same address. The applicant has not received the order under Section 45A of the ESI Act. Now the acknowledgment card at Serial No. 7 filed with list Exh. E-11 shown to me. I do not identify signature on it. My representative Mr. Harshal Kulkarni told me about passing of order under Section 45A of the ESI Act. Now the acknowledgement card at Page No. 74 of list Exh. E-6 shown to me. It bears my address. I cannot identify signature on it. I do not know whether applicant received notice in Form C-19. I do not remember whether applicant replied notice in Form C-19

dated 2.11.2015. I do not know whether applicant received prohibitory order. I do not remember whether applicant replied prohibitory order. I do not remember how many employees working with the applicant. I do not remember whether the applicant filed Balance Sheet, Profit & Loss Account, Income Tax returns before the Court and ESI Corporation. The applicant filed Inward / Outward register of goods and ledger of outside labour charges in Court as well as ESI Corporation. Now the employer's contribution statement shown to me at page No. 11 to 14 with list Exh. E-6. It is collectively at Exh. E-21. Now the challans at Page No. 16 to 32 with list Exh. E-6 shown to me. They are paid by applicant. They are collectively at Exh. E-22. Now the return of contribution at Page Nos. 43 to 52 with list Exh. E-6 shown to me. They were submitted by the applicant to ESI Corporation. They are collectively at Exh. E-23. It is not true to say that the documents filed in Court are prepared after thought. It is not true to say that I have not filed any record before the Court.

NO RE-EXAMINATION

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

**Date :- 15.02.2024**  
**Place :- Pune.**

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