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Cross examination of witness by Advocate Shri. Jadhav for opponent :

16] The applicant establishment was partnership firm and was having two partners viz. Ravindrasing Bhindra and Rajendrasing Bhindra. It is correct to say that, the opponent had allotted ESI Code to the applicant. I have not produced partnership deed in the present application. As on today the applicant establishment is sold out some where in the month of September-2024. The applicant was having P.F. Code number. No intimation was given to opponent – corporation about the sale out of applicant establishment. It is correct to say that on the date of sale out of applicant establishment the applicant was supposed to close account by paying statutory compliance. No dues certificate was not received by me from opponent corporation.

17] I have gone through the documents filed by opponent – corporation. It is not correct to say that as on today the applicant is liable to pay outstanding amount towards contribution. It is correct to say that, on earlier occasion also the opponent has determined the dues towards contribution which was challenged in the Court bearing Application (ESI) No 2/1988, 1/1989, 4/1990 and 4/1994. It is correct to say that, all four applications have been dismissed. It is correct to say that, after dismissal of above applications whatever notices were issued to the applicant are binding on the applicant. I do not know whether the opponent corporation withdraw or not the amount deposited by applicant in four matters u/s.75 (2)(B) of the ESI Act. The applicant has not withdrawn the amount deposited in the above four cases. It is not correct to say that, in view of notices issued and which were challenged in the earlier applications the

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amount is due from applicant. It is correct to say that, the opponent has initiated criminal proceeding against the applicant bearing SCC No. 1635/1990, 1636/1990, 1637/1990, 1733/1990 and 1734/1990. It is correct to say that, in the said criminal complaint I was appeared and plead guilty and paid fine of Rs.1000/-. It is not correct to say that, my statement “the applicant is prompt to making payment of contribution” is false. It is not correct to say that, since 1989 dues are payable by applicant to the opponent corporation. It is not correct to say that, the opponent has issued proper notice / prohibitory order dt.13/05/2014 to recover the amount of Rs.1,88,102/-.

18] I am not in receipt of reminder letter dt.24/05/1994, 16/08/2002, 19/05/2006 and 19/02/2014. It is not correct to say that, the above letters are received by applicant on the address of Hotel and residence of both the partners and copy of acknowledgment is possessed by opponent. It is correct to say that, I have paid amount of Rs.59,552/- to the opponent corporation. Witness voluntarily states that I have paid more amount than Rs.59,552/-. I do not remember that how much amount was deposited to the opponent corporation. It is not correct to say that, I cannot tell the exact figure of amount because I have not paid any more amount to the ESI Corporation.

19] It is not correct to say that, up to 12/05/2014 the amount of Rs.1,87,042/- is due from the applicant towards contribution, interest and damages. It is not correct to say that, as on 07/04/2025 an amount of Rs.2,14,663/- is due from applicant. In the year 1990 my residential address is changed and shifted at Shanti Niketan. No intimation

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was given to ESI Corporation about the change of residence. It is not correct to say that, the applicant is liable to pay amount to the ESI Corporation however applicant has filed false application.

Cross examination is over

No re-examination.

Witness is discharged.

R.O.A.C.

Before me

Place: Aurangabad

Date:- 30-09-2025

kad/-

sd/-

(S. D. SURYAWANSHI)

JUDGE,

E. S. I. COURT, AURANGABAD.