

Annexure - G

# कर्मचारी राज्य बीमा निगम

Employees' State Insurance Corporation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

(Ministry of Labour & Employment, Government of India)

प्रभागीय कार्यालय  
पार्श्वनाथ टावर, द्वितीय तल,  
निकट शाहदरा मेट्रो स्टेशन,  
शाहदरा, दिल्ली - 110032



Divisional Office

Parsvnath Tower, Second Floor,

Near Shahdara Metro Station,

Shahdara, Delhi - 110032

18 AUG 2017  
Dispatch No. 2361  
Metro Station, Shahdara, Delhi-32

ई मेल - dir-nandnagri@esic.in

दूरभाष: 011-22328685, फैक्स : 011-22326948

No. DO/Ins.I/10001051110001001

Dated:

## ORDER UNDER SECTION 85-B OF THE E.S.I. ACT, 1948

**M/s. SHUBHAM ENTERPRISES**, a factory / establishment situated at **B-133, MIG FLATS EAST OF LONI ROAD, DELHI - 110093**, Code No. 10001051110001001 covered under the Employees' State Insurance Act, were required to pay the contribution in accordance with Section 40 of the said Act & within the time prescribed under Regulation 31 of the Employees' State Insurance (General) Regulation framed under the Act. As the employer in relation to this factory / establishment failed to pay the contribution as required by law, a notice for **Rs. 1,46,986/-** was issued to the principal employer by this office vide letter of even number dated **13.06.2017** to show cause by **10-07-2017** as to why damages may not be demanded:-

- (I) On the delay of up to 2 month @5% per annum
- (II) On the delay of 2 months & above but less than 4 months @10% per annum
- (III) On the delay of 4 months & above but less than 6 months @15% per annum
- (IV) On the delay of 6 months & above @25% per annum and to the extent of amount of contribution

The employer was given an opportunity of personal hearing to explain his case on 10/07/17 against Notice D-18 dated 13.06.2017. No one appeared in the personal hearing on 10.07.2017. One more opportunity was afforded to employer to appear for personal hearing on 17.08.2017. On 17.08.2017, Sh. Vishal Sharma, proprietor of the unit appeared for personal hearing. He informed about the considerable delay in payment of wages for the days ranging from 359 to 2256, damages are required to be paid. He requested for allowing the payment in two instalments. Hence, option of two instalments was provided to him.

The undersigned have gone through the case papers / records available on file and finds that the delay has been done by the Employer from 359 days to 2256 days in payment of contribution for the period as mentioned in D-18 letter dated 13.06.2017 and damages are leviable under Section 85-B and Regulation 31-C for delayed payment of contribution. As the company has paid contribution late, it calls for levy of damages by way of penalty in terms of Regulation 31-C as per rates prescribed above.

P.T.O.

After considering the merits of the case, the undersigned feels and finds it proper to levy damages on them by way of penalty @ 25% per annum for the period of delay under delegated powers to me. The undersigned, therefore, feels it proper to impose damages by way of penalty of Rs. 1,46,986/- (Rs. One Lac Forty Six Thousand Nine Hundred Eighty Six Only) for the default for late payment of contribution period from April, 2009 to March, 2010.

For the above reasons, I, RAJIV LAL, DEPUTY DIRECTOR (I/c), in exercise of the power delegated to me for levy of damages under Section 85-B of the ESI Act, think it fit to impose the damages totalling Rs.1,46,986/-(Rupees One Lac Forty Six Thousand Nine Hundred Eighty Six Only) for the delayed payment of amount of contributions for wage period from 04/09 to 03/10 (as per detail indicated in the D-18 Notice dated 13/06/2017) be imposed & you as the principal Employer is hereby ordered to pay damages at any branch of S.B.I. in two monthly instalments starting from 15/09/2017. The requisite amount is required to be deposited and informed by 15 of each month. Schedule of instalment is as under:

Sr. No.	Date of Instalment	Amount of Damages
1	15.09.2017	73,493/-
2	15.10.2017	73,493/-
		Total Rs. 1,46,986/-

The employer is requested to furnish bank guarantee for the timely payment of monthly instalments. Instalment facility should be treated as cancelled if the employer fails to pay monthly instalments of arrears within agreed time limit.

Failure in payment shall invite further action as per Section 45-C to 45-I of the Act.

No appeal / representation shall be entertained against this order.

  
18/8/17  
(RAJIV LAL)  
Dy. Director (I/c)

1. M/s. SHUBHAM ENTERPRISES,  
B-133, MIG FLATS EAST OF LONI ROAD,  
DELHI - 110093
2. Sh. Vishal Sharma,  
B-133, MIG FLATS EAST OF LONI ROAD,  
DELHI - 110093



Employer Code: 10001051110001001

Employer Name: SHUBHAM ENTERPRISES B- 133,MIG FLATS  
LONI ROAD DELHI

Employer Address: SHUBHAM ENTERPRISES B- 133,MIG FLATS LONI ROAD DELHI employer address2

C6 Register

From : 01/04/2011 To : 16/08/2017

Type	Issued Date	Amount	Period	Challan Number	Challan Amount	Challan Created Date	Challan Realised Date
C18_Actual	12-03-2012	34476	2011 January - 2011 May				
C19	20-06-2013	140472	2009 April - 2010 March	01013124544071	5126	20-Nov-2013	28-Nov-2013
C19	20-06-2013	140472	2009 April - 2010 March	01015117305385	95127	29-Jul-2015	01-Aug-2015
D-18	23-12-2016	39720	2010 April - 2016 February				
C-18i	23-12-2016	21501	2010 April - 2016 February				

Type	Challan Number	Created Date	Amount	Realised Date	Remarks

Type	Challan Number	Challan Amount	Adjusted Amount	Balance Amount	Challan Created Date	Challan Realised Date

Type	Challan Number	Created Date	Amount	Realised Date	Remarks