

कर्मचारी राज्य बीमा निगम

Employees' State Insurance Corporation

(अम एवं रोजगार मंत्रालय, भारत सरकार)

(Ministry of Labour & Employment, Government of India)

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



Sub Regional Office
Parsvnath Tower, Second Floor,
Near Shahdara Metro Station,
Shahdara, Delhi-110032

ई मेल-dir-nandnagri@esic.in

दूरभाष: 011-22328685, फ़ैक्स : 011-22328948

No. DO/Shd/Ins.II/10001078720000802

Dated:

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

wrong No. 1
M/s. CARETECH PACKAGING PVT. LTD., a factory / establishment situated at KHASRA NO. 86, CHHOTU RAM PARK WALI GALI, PRAHLADPUR BANGER, DELHI - 110042, Code No. 10001042990001001 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. 2,70,916/- was issued to the principal employer by this office vide letter of even number dated 29.08.2017 to show cause by 22-09-2017 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 22/09/17 against Notice D-18 dated 29.08.2017. No one turned up for the hearing on 22.09.2017. One more opportunity for personal hearing was fixed for 30.10.2017. Sh. Amit Sharma, authorized representative of the employer appeared for personal hearing on 30.10.2017. He was informed about the considerable delay in payment of wages for the days ranging from 1031 to 2788, damages are required to be paid. He requested for allowing the payment in instalments. Hence, option of four 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 1031 days to 2788 days in payment of contribution for the period as mentioned in D-18 letter dated 29.08.2017 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. 2,70,916/- (Rs. Two Lac Seventy Thousand Nine Hundred Sixteen Only) for the default for late payment of contribution period from May, 2009 to December, 2013.

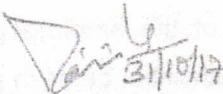
For the above reasons, I, RAJIV LAL, DEPUTY DIRECTOR (I/c), in exercise of the power delegated to me for levy of damages under Section 85-B of the ESI Act, think it fit to impose the damages totalling Rs. 2,70,916/- (Rs. Two Lac Seventy Thousand Nine Hundred Sixteen Only) for the delayed payment of amount of contributions for wage period from 05/09 to 12/13 (as per detail indicated in the D-18 Notice dated 29/08/2017) be imposed & you as the principal Employer is hereby ordered to pay damages at any branch of S.B.I. in four monthly instalments starting from 30/11/2017. The requisite amount is required to be deposited and inform on payment on due date of each month. Schedule of instalment is as under:

Sr. No.	Date of Instalment	Amount of Damages
1	30.11.2017	67,729/-
2	30.12.2017	67,729/-
3	30.01.2018	67,729/-
4	28.02.2018	67,729/-
		Total Rs. 2,70,916/-

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.


(RAJIV LAL)
Dy. Director (I/c)

1. M/s. CARETECH PACKAGING PVT. LTD.,
KHASRA NO. 86, CHHOTU RAM PARK WALI GALI,
PRAHLADPUR BANGER,
DELHI - 110042

2. Sh. A. D. Ahuja,
T-15, Polo Road,
Old Gupta Colony,
Delhi - 110009

3. Sh. Amit Dhingra,
R/o, A-276, A Block, Gali No. 1,

0/c



Employer Code: 1000107872000802

Employer Name: CARE TAK PACKAGING P LTD A 76/1
BASEMENT G T K INDUSTRIAL AREA DELHI

Employer Address: CARE TAK PACKAGING P LTD A 76/1 BASEMENT G T K INDUSTRIAL AREA DELHI Khasra
No. 86, Choutu Ram Park Wali Gali Prahladpur Banger, Delhi-92

C6 Register

From : 01/01/2010 To : 31/10/2017

Month	Contribution Amount	Number Of Employees	Contribution Paid	Challan Amount	Challan number	Challan Created Date	Challan Realised Date

Type	Issued Date	Amount	Period	Challan Numbe	Challan Amount	Challan Created Date	Challan Realised Date
C18-Adhoc	31-03-2014	278274	2009 May - 2013 December				
C-19	04-12-2014	465125	2009 May - 2013 December				
D-18	29-08-2017	270916	2009 May - 2013 December				
45-A	03-06-2014	275275	2009 May - 2013 December				

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