

22017

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

ई मेल—dir-nandnagri@esic.in

दूरभाष: 011-22328685, फैक्स : 011-22328948

No. DO/Ins.II/10001153360000999

Dated:

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

M/s. U.S. INFOTECH, a factory / establishment situated at 201, PLOT NO. 2-3, 3RD FLOOR, SHAKTI KIRAN BUILDING, SHAKTI NAGAR, DELHI - 110007, Code No. 10001153360000999 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. 2,14,142/- was issued to the principal employer by this office vide letter of even number dated 28.06.2017 to show cause by 20-07-2017 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 20/07/17 against Notice D-18 dated 28.06.2017. Sh. Surinder Kumar Thakur, employer of the unit appeared for personal hearing on 20.07.2017. He was informed about the considerable delay in payment of wages for the days ranging from 375 to 1652 for which damages are required to be paid. He accepted delay in payment of contribution. He further informed that Rs. 38,634/- was paid as advance contribution in June 2011 and damages has also been calculated on that too. On scrutiny of the file, it has been observed that the said amount of Rs. 38,634/- has not been considered while calculating damages by the ERP. As such damages for the months from May 2011 to December 2011 alongwith Rs. 1231 for January 2012 are liable to be waived. Balance damages of Rs. 1,75,508/- (Rs. 2,14,142/- – Rs. 38,634/-) are liable to be paid by the employer for which he agreed. Further, the employer requested to make payment in two instalments in view of scarcity of funds at the moment. Accordingly, option of two instalments was provided to him.

P.T.O.

The undersigned have gone through the case papers / records available on file and finds that the delay has been done by the Employer from 375 days to 1652 days in payment of contribution for the period as mentioned in D-18 letter dated 28.06.2017 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.

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. 1,75,508/- (Rs. One Lac Seventy Five Thousand Five Hundred Eight Only)** for the default for late payment of contribution period from January, 2012 to July, 2015 (Damages for period 05/11 to 12/11 alongwith Rs. 1231/- for Jan 2012 has been waived off).

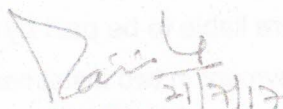
For the above reasons, I, **RAJIV LAL, DEPUTY DIRECTOR (I/c)**, in exercise of the power delegated to me for levy of damages under Section 85-B of the ESI Act, think it fit to impose the damages totalling **Rs.1,75,508/-(Rupees One Lac Seventy Five Thousand Five Hundred Eight Only)** for the delayed payment of amount of contributions for wage period from **01/12 to 07/15 (Damages for the period from 05/11 to 12/11 alongwith Rs. 1231/- for January 2012 has been waived)** (as per detail indicated in the D-18 Notice dated **28/06/2017**) 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 **16/08/2017**. The requisite amount is required to be deposited and informed on or before 16th of each month. Schedule of instalment is as under:

Sr. No.	Date of Instalment	Amount of Damages
1	16.08.2017	87,754/-
2	16.09.2017	87,754/-
		Total Rs. 1,75,508/-

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. U.S. INFOTECH,
201, PLOT NO. 2-3, 3RD FLOOR, SHAKTI KIRAN BUILDING,
SHAKTI NAGAR, DELHI - 110007



Employer Code: 10001153360000999

Employer Name: U.S INFOTECH

Employer Address: 201, PLOT NO -2-3, 3RD FLOOR, SHAKTI KIRAN BUILDINGH, SHAKTI NAGAR

C6 Register

From : 01/01/2011 To : 01/11/2017

Month	Contribution Amount	Number Of Employees	Contribution Paid	Challan Amount	Challan number	Challan Created Date	Challan Realised Date
May 2011	7450	20	0	22081	01013103966554	20-Feb-2013	
Jun 2011	7003	20	0	22081	01013103966554	20-Feb-2013	
Jul 2011	4035	22	0	22081	01013103966554	20-Feb-2013	
Aug 2011	3593	22	0	22081	01013103966554	20-Feb-2013	
Sep 2011	3584	9	0	7138	01013103966992	20-Feb-2013	
Oct 2011	3554	9	0	7138	01013103966992	20-Feb-2013	
Nov 2011	4773	9	0	8184	01013103967443	20-Feb-2013	
Dec 2011	3411	9	0	8184	01013103967443	20-Feb-2013	
Jan 2012	7414	37	0	6183	01013103985667	20-Feb-2013	
Feb 2012	6906	38	0	6906	01013103985858	20-Feb-2013	
Mar 2012	390	38	0	828	01013103985971	20-Feb-2013	
Apr 2012	438	1	0	828	01013103985971	20-Feb-2013	
May 2012	390	1	0	1556	01013103986129	20-Feb-2013	
Jun 2012	403	1	0	1556	01013103986129	20-Feb-2013	
Jul 2012	390	1	0	1556	01013103986129	20-Feb-2013	
Aug 2012	373	1	0	1556	01013103986129	20-Feb-2013	
Sep 2012	6203	19	0	6203	01013115840334	30-Jul-2013	
Oct 2012	5700	19	0	5700	01013115840390	30-Jul-2013	
Nov 2012	4879	21	0	4879	01013115840402	30-Jul-2013	
Dec 2012	6058	19	0	6058	01013116210101	05-Aug-2013	
Jan 2013	7628	20	0	7628	01013116210516	05-Aug-2013	
Feb 2013	5403	21	0	17734	01015102370385	26-Jan-2015	



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Mar 2013	5637	18	0	17734	01015102370385	26-Jan-2015	
Apr 2013	6694	19	0	17734	01015102370385	26-Jan-2015	
May 2013	6520	21	0	24458	01015102370240	26-Jan-2015	
Jun 2013	6082	20	0	24458	01015102370240	26-Jan-2015	
Jul 2013	6074	20	0	24458	01015102370240	26-Jan-2015	
Aug 2013	5782	19	0	24458	01015102370240	26-Jan-2015	
Sep 2013	4941	19	0	20347	01015102370127	26-Jan-2015	
Oct 2013	5155	24	0	20347	01015102370127	26-Jan-2015	
Nov 2013	5100	24	0	20347	01015102370127	26-Jan-2015	
Dec 2013	5151	25	0	20347	01015102370127	26-Jan-2015	
Jan 2014	5122	25	0	19730	01015102370026	26-Jan-2015	
Feb 2014	5123	26	0	19730	01015102370026	26-Jan-2015	
Mar 2014	5021	26	0	19730	01015102370026	26-Jan-2015	
Apr 2014	4464	18	0	19730	01015102370026	26-Jan-2015	
May 2014	4464	18	0	17717	01015102369934	26-Jan-2015	
Jun 2014	4385	18	0	17717	01015102369934	26-Jan-2015	
Jul 2014	4581	26	0	17717	01015102369934	26-Jan-2015	
Aug 2014	4287	21	0	17717	01015102369934	26-Jan-2015	
Sep 2014	20522	64	20522	20522	01014129856607	24-Dec-2014	19-Jun-2015
Oct 2014	21846	54	21846	21846	01015118630033	14-Aug-2015	17-Aug-2015
Nov 2014	21602	50	0	21602	01015118658819	14-Aug-2015	
Dec 2014	21412	51	0	21412	01015118701469	14-Aug-2015	
Jan 2015	21584	52	0	21584	01015118725375	14-Aug-2015	
Feb 2015	21072	52	0	21072	01015118729144	14-Aug-2015	



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Mar 2015	21520	53	0	21520	01015118769137	15-Aug-2015	
Apr 2015	20310	54	0				
May 2015	19774	50	0	19774	01015118771882	15-Aug-2015	
Jun 2015	18668	53	0	18668	01015124434177	24-Oct-2015	
Jul 2015	18858	48	0	18858	01015124434201	24-Oct-2015	
Aug 2015	17172	49	17172	17172	01015124434223	24-Oct-2015	30-Oct-2015
Sep 2015	20823	57	20823	20823	01015127730797	09-Dec-2015	14-Dec-2015
Oct 2015	20545	58	20545	20545	01015129331066	30-Dec-2015	04-Jan-2016
Nov 2015	18871	46	18871	18871	01016102269035	23-Jan-2016	27-Jan-2016
Dec 2015	17065	48	0	17065	01016110058467	23-Apr-2016	
Jan 2016	18129	47	0	18129	01016110060695	23-Apr-2016	
Feb 2016	15824	41	15824	15824	01016110063788	23-Apr-2016	27-Apr-2016
Mar 2016	20640	41	0	20640	01016111151473	11-May-2016	
Apr 2016	15186	41	0	15186	01016116555544	13-Jul-2016	
May 2016	17381	41	0	17381	01016117683200	25-Jul-2016	
Jun 2016	15186	41	0	15186	01016116033332	09-Jul-2016	
Jul 2016	16565	41	0	16565	01016121250160	10-Sep-2016	
Aug 2016	15914	26	0	15914	01016127508713	21-Nov-2016	
Sep 2016	15685	26	0	15685	01016127509297	21-Nov-2016	
Oct 2016	17417	35	17417	17417	01017100513755	09-Jan-2017	10-Jan-2017
Nov 2016	18066	35	18066	18066	01017100513801	09-Jan-2017	10-Jan-2017
Dec 2016	19198	39	19198	19198	01017102654797	04-Feb-2017	07-Feb-2017
Jan 2017	17557	41	17557	17557	01017104786919	02-Mar-2017	03-Mar-2017
Feb 2017	19963	35	0	19963	01017110410808	28-Apr-2017	



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Mar 2017	35576	79	35576	35576	01017112223790	17-May-2017	26-Oct-2017
Apr 2017	55749	113	55749	55749	01017114709139	14-Jun-2017	07-Jul-2017
May 2017	74245	121	74245	74245	01017118334575	17-Jul-2017	19-Jul-2017
Jun 2017	73229	109	73229	73229	01017119203087	03-Aug-2017	07-Aug-2017
Jul 2017	70431	105	70431	70431	01017121893209	31-Aug-2017	07-Sep-2017
Aug 2017	67465	102	67465	67465	01017127394278	26-Oct-2017	

Type	Issued Date	Amount	Period	Challan Numbe	Challan Amount	Challan Created Date	Challan Realised Date
C18_Actual	12-11-2015	369361	2011 May - 2015 July				
C18_Actual	23-11-2015	330727	2011 May - 2015 July				
C18_Actual	23-11-2015	330727	2011 May - 2015 July				
C19	03-02-2016	11961	2011 May - 2015 July	0101612052860	443045	02-Sep-2016	05-Sep-2016
C19	03-02-2016	11961	2011 May - 2015 July	0101612251787	11199	21-Sep-2016	
D-18	09-11-2016	7879	2014 September - 2015 November				
D-18	07-06-2017	214142	2011 May - 2015 July				
D-18	28-06-2017	214142	2011 May - 2015 July				
85-B	24-07-2017	214142	2011 May - 2015 July				
C-18i	09-11-2016	4675	2014 September - 2015 November				
C-18i	09-11-2016	107956	2011 May - 2015 July				



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Type	Challan Number	Created Date	Amount	Realised Date	Remarks
Miscellaneous	01016121251723	10-Sep-2016	1307	07-Aug-2017	OnlinePayment,shortp aymentinJune2016

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

Type	Challan Number	Created Date	Amount	Realised Date	Remarks