

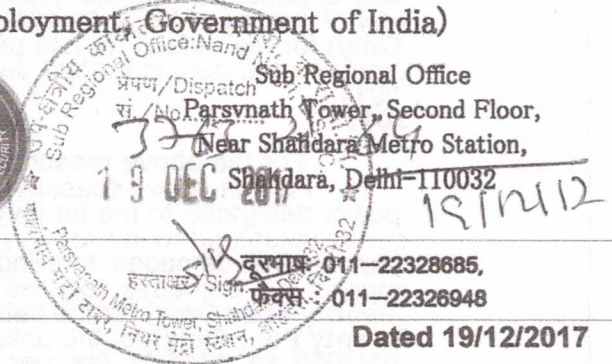
# कर्मचारी राज्य बीमा निगम

Employees' State Insurance Corporation

(श्रम 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



ई मेल—[dir-nandnagri@esic.in](mailto:dir-nandnagri@esic.in)

No. D/ SRO/SHD/Ins.II/10001037340001001

Dated 19/12/2017

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

**M/s. UMAXE PROJECTS PVT. LTD.**, a factory / establishment situated at **D-332, 3<sup>rd</sup> FLOOR, VIVEK VIHAR, DELHI-110095**, Code No. **10001037340001001** 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. 4,50,124/- was issued to the principal employer by this office vide letter of even number dated **20/11/2017** to show cause by **19/12/2017** 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 19/12/2017 at 11.00 A.M. Shri Mukul Aeron, Accounts Manager of the Unit, appeared for the personal hearing on 19/12/2017. He submitted a letter dated 19/12/2017 of the employer for allowing the payment in six monthly instalments due to bad financial position. He was informed about the considerable delay in payment of wages for the days ranging from 2343 to 2655 days for which damages are required to be paid. He accepted delay in payment of contribution. 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 days to 2343 to 2655 days in payment of contribution for the period as mentioned in D-18 letter dated 20/11/2017 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



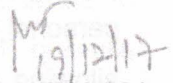
After considering the merits of the case, the undersigned feels and finds it proper to levy damages on them by way of penalty @ 25% per annum for the period of delay under delegated powers to me. The undersigned, therefore, feels it proper to impose damages by way of penalty of **Rs. 4,50,124/- (Rs. Four Lac Fifty Thousand One Hundred Twenty Four Only)** for the default for late payment of contribution period from **February, 2010 to March, 2011**.

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.4,50,124/- (Four Lac Fifty Thousand One Hundred Twenty Four Only)** for the delayed payment of amount of contributions for wage period from **02/2010 to 03/2011** (as per detail indicated in the D-18 Notice dated **20/11/2017**) 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 **19/01/2018**. The requisite amount is required to be deposited and informed by 19<sup>th</sup> of each month. Schedule of instalment is as under:

Sr. No.	Date of Instalment	Amount of Damages
1	19/01/2018	Rs,1,00,000/-
2	19/02/2018	Rs.1,00,000/-
3	19/03/2018	Rs.1,00,000/-
4	19/04/2018	Rs.1,50,124/-
		<b>Total Rs.4,50,124/-</b>

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)**

- M/s. UMAXE PROJECTS PVT. LTD.,  
D-332, 3<sup>rd</sup> Floor,  
Vivek Vihar,  
Delhi -110095**
- Shri Sanjay Garg & Smt. Neha Garg,  
5/793, Vaishali,  
Ghaziabad, U.P.- 201012.**

यूनि फंड पर लेटर -

प्रकार में रिपोर्ट को D-18 में सुटाई देसु दिनांक मित करा है ।

*[Signature]*

DD/A/C

19-12-17 (11.00 AM).

*[Signature]*  
20/11/17



DD (F/I) *[Signature]*  
20/11/17

Please issue  
letter. OS  
DA

PH 19-12-17

D18 dated 20-11-17 for ₹ 4,50,124/-

Sh. Mukund Agron, Accounts Manager from the employer appeared for the PH. He informed that the company is presently facing financial crunch. He accepted the delay in payment of contributions and also accepted to pay the due damages but requested for instalment.

The undersigned has gone through the case papers and found that there has been delay in payment of contribution ranging from 2343 to 2655 days. Hence, on the basis of powers conferred upon me by the relevant sections of ESI Act, 1948, Rajiv Lal, Dy. Director (HC) finds it proper to levy the damages to the tune of ₹ 4,50,124/- to be paid in the following manner :-

19-1-18	1,00,000/-
19-2-18	1,00,000/-
19-3-18	1,00,000/-
19-4-18	1,50,124/-
	<u>4,50,124/-</u>

Formal orders will follow.

*[Signature]*  
19/12/17

-:22:-

103734

Formal orders, as per the note on pre-page signed,  
Please issue.

for.  
19/12/17

DD (I/II)

