

# 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



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

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

दूरभाष: 011-22328685, फ़ैक्स : 011-22328948

No. DO/Shd/Ins.II/10001042990001001

Dated:

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

M/s. PIONEER AUTOMATION & ENGINEERS, a factory / establishment situated at 406, Chajju Pur, Shahdara, DELHI - 110032, 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. 1,16,288/- was issued to the principal employer by this office vide letter of even number dated 05.09.2017 to show cause by 10-10-2017 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 10/10/17 against Notice D-18 dated 05.09.2017. Sh. Brijesh Kumar Sharma, employer of the unit appeared for personal hearing on 10.10.2017. Since the undersigned was on leave on 10.10.2017, the personal hearing could not be held. The employer was informed to appear for personal hearing on 24.10.2017. On 24.10.2017, Sh. Brijesh Kumar Sharma, employer of the unit appeared for personal hearing. He was informed about the considerable delay in payment of wages for the days ranging from 1024 to 3195 for which damages are required to be paid. He accepted delay in payment of contribution. He requested for allowing the payment in five instalments. Hence, option of five 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 1024 days to 3195 days in payment of contribution for the period as mentioned in D-18 letter dated 05.09.2017 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. 1,16,288/- (Rs. One Lac Sixteen Thousand Two Hundred Eighty Eight Only)** for the default for late payment of contribution period from February, 2008 to September, 2009.

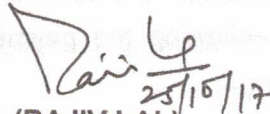
For the above reasons, I, **RAJIV LAL, DEPUTY DIRECTOR (I/c)**, in exercise of the power delegated to me for levy of damages under Section 85-B of the ESI Act, think it fit to impose the damages totalling **Rs.1,16,288/-(Rupees One Lac Sixteen Thousand Two Hundred Eighty Eight Only)** for the delayed payment of amount of contributions for wage period from **02/08 to 09/09** (as per detail indicated in the D-18 Notice dated **05/09/2017**) be imposed & you as the principal Employer is hereby ordered to pay damages at any branch of S.B.I. in five monthly instalments starting from **24/11/2017**. The requisite amount is required to be deposited and informed by 24 of each month. Schedule of instalment is as under:

Sr. No.	Date of Instalment	Amount of Damages
1	24.11.2017	23,257/-
2	24.12.2017	23,257/-
3	24.01.2018	23,257/-
4	24.02.2018	23,257/-
5	24.03.2018	23,260/-
		<b>Total Rs. 1,16,288/-</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)

1. M/s. PIONEER AUTOMATION & ENGINEERS,  
406, Chajju Pur, Shahdara,  
DELHI - 110032
2. Sh. Brijesh Kumar Sharma,  
1449/10, Gali No. 8, Durga Puri,  
Shahdara, Delhi - 110032



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1000/04299 000/0007

PH 24-10-17

D-18 Amount ₹ 1,16,288/-

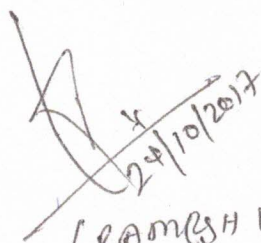
Sh. Ramesh Kumar, Manager (NCA) appeared for the PH as a representative of the employer. He has accepted the delay in payment of contributions. He requested that as he has changed the business of its firm, it is not possible for him to pay the amount in lumpsum, as such five installments may be allowed.

5, Rajiv Lal, Dy. Director (ITC), on the basis of powers conferred on me as per relevant provisions, find it fit to levy damages of ₹ 1,16,288/- for the delay in payment of contributions for the period from Feb 2008 to Sept 2009. The delay ranges from 1024 to 1746 days. <sup>3195 hr</sup>

As per the request of employer, I allow him to pay damages in five installments as per the schedule below :-

1.	24-11-17	₹ 23,257/-
2.	24-12-17	₹ 23,257/-
3.	24-1-18	₹ 23,257/-
4.	24-2-18	₹ 23,257/-
5.	24-3-18	₹ 23,260/-
		<hr/>
		1,16,288/-

Formal order will follow.

  
24/10/2017

(RAMESH KUMAR)  
mob. 9810061359

  
24/10/17

Order signed. Please issue.

  
24/10/17

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युक्त पत्र निम्नलिखित के द्वारा श्री अनामिका देवी


संख्या 010/1713026265 & दि 23-11-17 (23257)

द्वारा श्री अनामिका देवी को पत्र संख्या 116/284/17

दि 10/11/17 & 116/284/17 के द्वारा है, यह पत्र 40/17

का भी संदर्भित है। (यदि कोई भी प्रतिक्रिया है)

सुनिश्चित किया है

  
11/12/17



  
11/12/17