

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

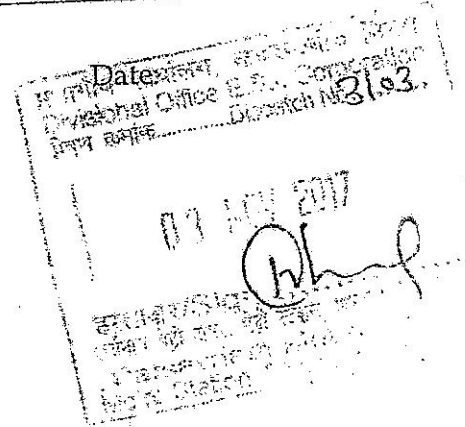
ई मेल - dir-nandnagri@esic.in

दूरभाष: 011-22328685, फ़ैक्स : 011-22326948

F.No.D/DO/Shd/PG/11/8/2017

To

✓ The Station House Officer
Police Station Shahdara,
Delhi.



Sub.: F.I.R against M/s Anmol Enterprises, Sh. Anmol Ratan
Sharma S/o Sh. R.K. Sharma, Sh. Mohinder Singh (Assistant, ESIC Branch
Office Shahdara) and others.

Sir,

The complainant is a statutory body established under the Employees State Insurance Act, 1948 and is under the administrative control of Ministry of Labour & Employment, Govt. of India. The present complaint is being filed through Sh. Rajiv Lal, Deputy Director (I/c), Sub-Regional Office Nandnagri earlier known as the Divisional office Nandnagri. The address for the purpose of service etc. on the complainant is Parsvnath Tower, Second floor

Shahdara, Delhi - the complaint of the complainant is as under:-

The complainant received an information cum complaint dated 09/08/2017 from one Ms. Anjali Dhawan, Advocate for and on behalf of her client Smt. Malti Devi w/o Late Sh. Rakesh Mishra S/o Sh. Ram Naresh Mishra. In her complaint dated 09/08/2017 Ms. Anjali Dhawan informed that Husband of Smt. Malti Devi, Late Sh. Rakesh Mishra who died due to an injury sustained while working with M/s Anmol Enterprises was never covered under ESI Act and the claim of Benefits of Late Sh. Rakesh Mishra S/o Sh. Ram Naresh Mishra has got wrongly being processed and admitted by the department on the basis of forged and fabricated documents created by the employer Sh. Anmol Ratan Sharma in order to escape their liabilities under other Labour Law regimes.

That the said complaint of Ms. Anjali Dhawan Advocate dated 09/08/2017 was further taken up in investigation by this office by forming a team comprising of Sh. Azad Singh (Assistant Director), Sh. Amit Bhalla (S.S.O) and Sh. Snehil Lodhi (Assistant) and the investigation has revealed as under:-

1. That one Sh. Rakesh Mishra S/o Sh. Ram Naresh Mishra died in an accident occurred at the premises of M/s Anmol Enterprises, 1/342B, Gali no. 1, Friends Colony, Industrial area, Mansarovar Park, Delhi on dated 26/06/2016. An F.I.R to this effect was also registered with the concerned police station.
2. That the said Anmol Enterprises was registered under the ESI Act vide Employer Code No. 10001173890000502 on 14.01.2014 (created online) with its proprietor Shri Sachin Malik son of Shri Jaipal Singh Malik at 8/61 A, Ram gali , Vishwas Nagar Shahadra Delhi-32 with email

as jyotimetalbuggins@delhi.com. The firm was registered and code no. was generated by the employer. The code No. was generated using the user ID and name of the employer.

3. That on 10.09.2014 the name of the firm M/s Anmol Enterprises was changed to M/s Jyoti Metal with the same proprietor Shri Sachin Malik the mobile no. of the employer is also updated on 10.09.2014 to 9212598516 from the IP Address 10.50.120.51 which belongs to this office and from the user ID snehlodh which belongs to Shri Snehil Lodhi, Assistant posted at this office. The changes were approved on 10.09.2014 from the IP Address 10.50.32.11 by user name and ID delhida100. In 2014, data updation exercise was done in whole of the ESIC to verify the credentials of employers.
4. That on 28.06.2016 the corporation received an accident report from M/s Anmol Enterprises through its proprietor Shri. Anmol Ratan Sharma reporting the accidental death of Shri Rakesh Mishra Son of Shri Ram Naresh Mishra purportedly having Insured Person No. 1114274369.
5. That on 11.10.2016, a change of name was initiated for the employer code no. 19001173890000502 from M/s Jyoti Metal to M/s Anmol Enterprises. It is pertinent to mention that earlier the name of Anmol Enterprises was changed to M/s Jyoti Metal on 10.09.2014 and was again changed to Anmol Enterprises on 11.10.2016. Along with the name, the address of the firm was also changed to 1/342B Gali no. 1 Friends Colony Industrial Area Mansarovar Park Delhi. Interestingly the mobile no. of

the employer code 97125/2516 remained unchanged. However, the email id of the firm was changed to jainconsultancy833@yahoo.co.in. These changes were requested by the employer from his user ID. The change of address and bank details were approved on 13.10.2016 at 9:37:48 am from the IP address 10.52.129.2 which is of ESIC Branch Office, Shahdara using user ID MOHINSIG which belong to Shri Mohinder Singh who is working in the Branch office as Assistant.

6. That again on 13.10.2016 at about 9:52:25 am an online request for change of owner name of the firm M/s Anmol Enterprises from Sachin Malik to Shri Anmol Ratan Sharma Son of Shri RK Sharma was made from IP Address 10.52.129.2 which pertains to Branch Office Shahdara and the said change was also approved on 13.10.2016 itself at about 10:07:35 am from the user ID MOHINSIG which belongs to Shri Mohinder Singh Assistant. It is pertinent to mention herein that attendance record for 13.10.2016 shows that Shri Mohinder Singh Assistant was present in the office on 13.10.2016.

7) That on 13.10.16 itself the credentials like appointment date employer code, address, dependent name etc of one Shri. Rakesh Mishra Son of Shri Shashikant Mishra who is the original IP having allotted the IP No. 1114274369 while he was working with one M/s Indigo Engineering now known as Indigo Infra Projects Pvt. Ltd. having ESI code No. 11001168580000699 having office at WZ 13D/2 1st floor Rajendra Tower Asiat Pur, Janakpuri, New Delhi (the code of the company while it was Indigo

Engineering was (1001157430000699). It appears that somebody was aware that Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 had left the employment of M/s Indigo Engineering as contribution on this code was not being deposited for quite a long time. Thus somebody being aware of the above facts deliberately changed the credentials of Shri Rakesh Mishra son of Shri Shashikant Mishra having IP No. 1114274369 to match the details of deceased Shri Rakesh Mishra son of Shri Ram Naresh Mishra in order to get him covered under the provisions of ESI Act from back date. It is informed that the Branch Manager, Shahdara vide his email dated 11.10.17 informed that as per the branch office dak diary register and current file of correction in IP details, no application has been found in the branch office, Shahdara in respect of data correction of above mentioned deceased IP.

8. That it is pertinent to mention herein that on 13.10.2016, employer of M/s Anmol Enterprises for the first time made declaration that Late Shri Rakesh Mishra son of Shri Ram Naresh Mishra was his employee showing his date of joining as 02.03.2016. The said changes were made from the user ID and name of the employer M/s Anmol Enterprises having no. 10001173890000502
9. That it is pertinent to point out the material changes that were deliberately made by the employer/ his representative or under his instruction in order to get deceased shri Rakesh Mishra son of Shri Ram naresh Mishra to be covered under ESI Act after his death from a back date.

Type of change	FROM	TO
IP Permanent Address	V-Sikandarpur, P-Newada, Thana Mahraj Ganj, Distt, Azamgarh	14, BB-95, Gali No. 8, Phase-10, Shiv Vihar, Karawal Nagar
Pincode	Nil	110094
Mobile No.	Nil	8130852892
IP Nominee	Nil	Malti Devi
Father's Name	Sh. Shashi Kant	Sh. Ram Naresh Mishra
Date of Birth	5/8/1991	1/1/1976
Marital Status	Unmarried	Married

10. That it is submitted that during the investigation undertaken, the team of the complainant office was able to locate original Shri Rakesh Mishra S/o Shri Shashi Kant Mishra who is still alive and visited SRO Shahdara on 25.09.2017. He made available various documents of his identity such as pan card, high school certificate, aadhar card and salary slip for the month of April 2017 issued by M/s Xalta Food and Beverages Pvt Ltd, 161, B/4, 4th floor, Gulmohar House, Gautam Nagar, Yusuf Sarai, New Delhi and also provided his new IP number generated by his new employer being 1115157980. Shri Rakesh Mishra S/o Shashi Kant Mishra presently residing at E2/139, Fourth Pushta, Soniya Vihar, Karawal Nagar, Delhi-94.
11. That it is submitted that apparently proprietor of M/s Anmol Enterprises Shri Anmol Ratan Sharma and/ or

Shri Anmol Malik hatched a conspiracy whereby they with the help of certain other people got their deceased employee Rakesh Mishra S/o Ram Naresh Mishra registered with the ESI Corporation by misusing and hacking/ furnishing wrong information and wrongfully registering him against Shri Rakesh Mishra S/o Shashi Kant Mishra in order to escape their liability to compensate the family of their deceased employee Rakesh Mishra son of Ram Naresh Mishra and to wrongfully shift the said onus / liability upon ESIC. The accused have interfered with the computer system of the complainant corporation, they have created forged and fabricated documents in order to mislead a public servant to deliver benefits to a person who is otherwise not entitled to receive such benefits and have further caused to deny the rightful compensation to the depends of the late Shri Rakesh Mishra S/o Ram Naresh Mishra and has also committed an act of cheating as on the basis of the documents submitted by them and the changes carried out by them as explained above, this corporation approved the death benefits to be paid to the dependents of late Shri Rakesh Mishra S/o Ram Naresh Mishra who are otherwise not entitled to receive such benefits. However, on receiving the complaint and investigation thereof, the claim was rejected subsequently.

12. In view of the above it is most humbly prayed that an FIR against the above named persons Namely Sh. Anmol Ratan Sharma S/o Sh. RK Sharma, Owner of M/s Anmol Enterprises, address 1/342B, Gali no. 1, Friends Colony, Industrial area, Mansarovar Park, Delhi and Sh.

Mohinder Singh, Assistant, ESIC Branch Office Shahdara and for the offenses as enumerated above as well as any other offence that you may deem appropriate or which is made out may kindly be registered and appropriate action may kindly be taken against the accused persons/ others accordingly.

Thanking you,

राजीव लाल
RAJIV LAL
उप-निदेशक (प्रभारी)
DEPUTY DIRECTOR (IN-CHARGE)
कर्मचारी राज्य बीमा निगम
Employees' State Insurance Corporation
प्रभागीय कार्यालय, शाहदरा, दिल्ली-110032
Divisional Office, Shahdara, Delhi-110032

Yours' truly,


2/11/17
(Rajiv Lal)

Dy. Director (I/c)

ESIC Sub-Regional Office Nandnagri

Encl

1. Copy of letter dated 28.09.2017.
2. Investigation Report dated 28.09.2017 alongwith all enclosures.
3. Audit Trails of factory details of employer code no. 10001173890000502.
4. Audit Trail of stakeholder details of employer code no. 10001173890000502.
5. Audit Trail of address details of employer code no. 10001173890000502.
6. Audit Trail of Bank detail employer code no. 10001173890000502.
7. Audit Trail of user role of user id mohinsig.
8. Audit Trail of user role of user id hchar.
9. Audit Trail of user id bhagch.
10. Internet Protocol Address detail of Branch Office, Shahdara.