

## **Revenue Recovery**

Under Section 45, the Corporation can appoint Inspectors for the purpose of Inquiring into correctness of any of the particulars stated in returns referred to in Section 44.

Under Section 45 A, if the Employer doesn't submit returns, particulars, registers or records, Corporation may determine the amount of Contribution.

And under Section 45 B, any contribution payable under ESI Act may be recovered as an amount of land revenue.

The Recovery Officer is appointed by notification in the Official Gazzette as 45(I) (b) of the act and to exercise the Powers of the Recovery Officer under the Act.

## **Powers of Recovery Officers**

Recovery officers appointed under section 45(I) (b) of ESI Act has been to recover ESI Contribution, Interest and Damages determined under the Section 45-A, Regulation 31-A, under section 85(b) (I) and regulation 31 of the ESI Act. Such Recoveries are made under the provision of Section 45 – C to 45(I) provisions contained in the Second and Third Scheduled to Income Tax Act 1961 and Income Tax (Certificate Proceedings) rule 1962 as amended.

The Recovery Officer Gujarat has jurisdiction over all the areas coming under control of R.O. Gujarat and Sub Regional Office Vadodara and Sub Regional Office Surat.

## **POSITION OF ARREARS**

The Contribution arrears against the defaulting employers as on 31.03.2011 stands at Rs 7740.58 lakhs. The break up of Recoveries due from private sectors as well as Government Sector employers is as under:-

<b><u>Particulars</u></b>	<b><u>Total Arrears (Rs. In Lakhs)</u></b>	<b><u>Recoverable Arrears (Rs. In Lakhs)</u></b>
(A) Private Employers	Rs 7485.74	
(B) Government and other Public Sector undertakings	Rs. 254.84	
<b>Total</b>	<b>Rs. 7740.58</b>	

## **PROGRESS OF REVENUE RECOVERY**

<b><u>YEAR</u></b>	<b><u>TARGETS</u></b>	<b><u>RECOVERIES EFFECTED</u></b>
2007-08	600.00	615.831
2008-09	640.00	644.550
2009-10	1156.00	617.991
2010-11	253.65	257.080
2011-12	279.01	80.850

(upto 31.08.2011)

The present incumbent is :-

Shri Mahesh Parikh  
Assistant Director  
ESI Corporation  
Ground Floor,  
Panchdeep Bhavan, Ashram Road,  
Ahmedabad.  
Ph.:- 079-32400508



**OFFICE OF THE RECOVERY OFFICE, GUJARAT REGIONAL OFFICE  
EMPLOYEES' STATE INSURANCE CORPORATION**

Employment and Labour, Ministry of India  
(ISO 9001:2008 Certified Organization)  
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Web Site: [www.esicgujarat.org](http://www.esicgujarat.org)

**List of cases where Amount of Arrears of the defaulting Employers is more than Rs 5 lakhs.**

Sr No	Code No	Name of Factories/Estt	Outstanding Dues
1	37-24271	M/S B.K.Electrical moto contractor,Kadi	Rs 679285
2	37-20103	M/S Mangal Detective Services & security force,Omkar House, Swastik Char Rasta, Navrangpura,ahmedabad	Rs 537386
3	37-23666	M/S K.G.B.Security & detective Services,33/99,Popatlal Atmaram New Chal,Chamanpura,Ahmedabad	Rs 577354
4	37-20578	M/S Reliable Security Service,24,Khalindi Complex,Opp Loha Bhavan, High Court Lane,Ashram Road,Ahmedabad	Rs 548402
5	37-15755	M/S Contractor H.P.Panchal,6,Ashmita Society,1 <sup>st</sup> floor,Nr Kashivishwanath Mahadev,Maninagar,Ahmedabad	Rs 677939

**Interest ,damages and Cost are applicable as per the rules.**

**Recovery officer shall proceed to realize the amount by one or more of the following modes vide section 45(c) to (1) of ESI Act 1948 (as amended) read with the application of certain provisions of the Income Tax (certificate proceedings) Rules 1962, as in force from time to time:**

- 1) **By Attachment and sale of the defaulter's movable property.**
- 2) **By Attachment and sale of the defaulter's immovable property.**
- 3) **By appointing a receiver for the management of the defaulter's movable and immovable properties.**
- 4) **By attachment of the bank account of the defaulter.**
- 5) **By arrest of the defaulter and his detention in prison.**

**Apart from th above , prosecution action u/s 85(a) and (g) of ESI Act 1948 may also be initiated which will lead to punishment for failure to pay contribution, and delay in payment of contribution.**

**(MAHESH PARIKH)**