



Sub-Regional Office

कर्मचारी राज्य बीमा निगम

Employees' State Insurance Corporation

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NOTICE

ATTENTION TO THE EMPLOYERS

THE NEW AMNESTY SCHEME-2014 FOR WITHDRAWAL OF COURT CASES.

The Corporation in its 161th meeting held on 28.01.14 and 14.02.14 has approved the launching of New Amnesty Scheme 2014 to reduce the ongoing cases of litigation by providing a mechanism for resolution of disputes outside the Court.

The salient features of current Amnesty Scheme-2014 are as under :-

A. SETTLEMENT OF COURT CASES U/s 75 AND APPEAL U/s 82

- (1) **DISPUTE OF COVERAGE** : The Scheme shall include all cases filed upto 31.12.2013 in which the employer has disputed the coverage which may be settled subject to following conditions :

In case of closed units :

- (a) Unit is closed for more than 5 years as on 31st December, 2013
- (b) Case is pending for more than 5 years as on 31st December, 2013
- (c) No assessment has been made for the period under dispute and litigation period upto the date of commencement of Amnesty Scheme 2014.

In case of running units :-

If the factory is functioning and the employer produces genuine records to substantiate his plea regarding non-coverage or coverage from later date.

- (2) **DISPUTE OF CONTRIBUTION** : This Scheme shall also include cases in which the employer has disputed the determination or recovery of contribution in the Employees' State Insurance Court u/s 75 of ESI Act and appeal U/s 82 upto 31.12.2013, subject to the fulfillment of the following conditions :

- (i) The employer shall file a petition before the court where he has raised the dispute and seek permission of Hon'ble Court for out of court settlement of matter under litigation. If court allows, then the matter shall be settled as per this Scheme.
- (ii) The employer shall pay contribution & Interest in full.
- (iii) No damage shall be levied.

B. CASES WHERE EMPLOYER HAS DISPUTED THE LEVY OF DAMAGES

Cases where employer has disputed levy of damages in the court of law after making payment of contribution and interest. These cases filed upto 31.12.2013 may also be considered for withdrawal with benefit of 50% waiver in damages.

C. SCHEME TO WITHDRAW COURT CASES FILED upto 31.12.2013 U/s 84, 85 & 85A OF ESI ACT, 1948.

(a) Case filed against the Insured Person U/s 84 of ESI Act.

- (I) The amount paid in excess to the Insured Person is refunded in full by him/ her to the Corporation.
- (II) No interest will be claimed.

(b) Case filed against the employers under section 85 and 85-A of the ESI Act.

Prosecution cases filed against the employers U/s 85 & 85-A of the ESI Act upto 31 December, 2013 may be withdrawn subject to the following conditions :

- (I) The employer shall pay both the Employee's and Employer's share of contribution in full as per his records, which he shall produce before the assessing officers if the contribution has been assessed on assumed wages.
- (II) In case the relevant records are not available with the employer, he shall produce alternative records such as Income Tax Return etc. and shall pay the contribution as per that record.
- (III) The employer pays the interest in full.
- (IV) No damages shall be levied.

D. The Scope of Amnesty Scheme 2014 is enhanced to include cases filed U/s 85 (a, e & g)

E. The Scheme will also be available to those employers / Insured Persons who have already availed of the benefits of earlier Amnesty Scheme.

F. The New Amnesty Scheme-2014 will be in force from 28.01.14 to 27.01.15.

All the willing employers are requested to avail the opportunity of withdrawal of prosecution cases U/s 85 of ESI Act and settlement of cases filed U/s 75 of the ESI Act under the New Amnesty Scheme 2014.

(M. K. SHARMA)
DIRECTOR