



कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



मुख्यालय
Headquarters
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No. P-11/12/Corp. Meeting/2024-Rev. II

Date: 22.11.2024
10.2024

To,

All AC & RDs/Director(I/C)/DD I/c

All Regional Offices/Sub Regional Offices

(Through WCM) ESIC

Sub: Action on Recoverable and Non-recoverable dues - regarding

Sir,

It has been observed that a huge amount of recovery has been shown as non-recoverable and even such cases where the recovery is shown as recoverable, the pace of recovery is not satisfactory. This has been viewed with concern by the ESI Corporation in its last meeting. Details of outstanding dues as on 31.03.2024 are as under:-

Non-Recoverable Dues:	Amount in Crores
a) Amount of arrears disputed in courts	1770.05
b) Amount under liquidation	623.62
c) Amount pending with Claim Commissioner	12.10
d) Amount due from factories/Establishment which have been closed and whereabouts of employer not known.	614.20
e) Amount for which decree obtained but not executed	1.31
f) Cases in respect of Factories/Establishments. Registered with BIFR/NCLT but rehabilitation scheme yet to be sanctioned	231.08
g) Factories/Establishments which have been declared sick but rehabilitation scheme has been sanctioned.	98.94
Recoverable Dues:	
h) Employers whereabouts known but unit is closed	194.24

i) Recoverable dues pending for Recovery with Recovery Officer	2353.73
Total	5899.27

The matter regarding pendency of recovery of field office has been examined at Hqrs office and to expedite the recovery, the following directions are being issued for strict compliance.

1. WHEREABOUTS NOT KNOWN CASES

Regional Directors/SRO Incharges may ascertain the information relating to the closed units and confirm from other sources like Chief Inspector/Inspector of Factories, reporting authorities under the Shops & Establishment Act, District Industries Centre regarding units registered under GST, EPF Organisation, Registrar of firms/Companies, Jurisdictional P.O., Banks, Employer's Association etc. Google Search also sometime provides information regarding the persons & units which may be effectively utilized. If despite all efforts whereabouts of the employer is not known, then details of all such individual recovery cases along with a certificate to the effect that all possible efforts have been made in this regard and the Regional Director is satisfied himself about the correctness of the fact, may be furnished to Hqrs office so that further action may be taken for waiver of these dues. The cases involving the amount within the power of RD, action may be taken by RD/SRO (I/c) after following the above referred drill. Instruction dated 17/09/1998 issued on this issue is attached for ready reference.

2. AMOUNT IN COURT

Each court case has to be reviewed individually and it has to be ascertained as to whether any stay has been given by court in those cases. Recovery action may be taken in respect of such cases, where there is no stay or stay has already been vacated by Honourable Court. Where the amount exceeds Rs. 10 Lakhs. Actual position along with pending amount may also be apprised to Hqrs office. Further in long pending cases, R.D. should try to get the stay vacated by filing the appropriate application in consultation with conducting Advocate.

3. Amount with Claim Commissioner

It has been observed that regions have intimated recovery amount pending with the claim commissioner. The ESIC has developed its own recovery mechanism in the year 1991. Hence, this amount needs to be reviewed and the concerned authority should be contacted, and the correct position may be ascertained for taking further action. The correct position may also be apprised to Hqrs. Office and


27/11/24

reflected in annual statement submitted to this office.

4. Amount in Liquidation

Amount pending in liquidation cases needs to be reviewed and actual position along with pending amount may be ascertained. In BIFR/AIFR/NCLT/NCLAT cases the award for part amount of the recovery might have been given and received by the field office. The balance may be now non-recoverable. Field offices should review all such cases and a detailed case sheet along with balance amount for recovery may be furnished to Hqrs. with the certificate of RD/SRO (I/c)/DD (F) that the amount is irrecoverable so that same may be examined and condoned for waiver.

5. Decree obtained but not executed

Amount pending in this regard needs to be reviewed and actual position along with pending amount may be checked as in some of the cases amount might have been recovered but not reconciled against the recovery certificate. Some of the cases may now turned out to be non-recoverable, so the same may be analysed and factual status may be ascertained by RDs/SROs I/c.

6. Whereabouts Known but Unit Closed

RD's/SRO (I/c) are advised to intimate the reasons for non-recovery of such cases and all available options may be examined/ initiated to realise the outstanding dues. The action of Garnishee proceedings as per provision of 45 (G) may also be taken where the whereabouts of the employer are known and property of the factory not available for recovery.

7. Registered with BIFR

Field units have been directed to review these cases and intimate the actual position as BIFR has been dissolved and all of its proceeding were transferred to NCLT w.e.f. 01.12.2016. In some of the cases the scheme might have been sanctioned & the amount is still shown as pending due to non-reconciliation by the field offices. Such cases may be reviewed on urgent basis.

8. Declared Sick and Rehabilitation Scheme Sanctioned

All RDs/SROs I/c are advised to review the cases and ascertain the actual status of these cases. In such cases, it has to be ascertained that amount awarded by the BIFR/NCLT has been received and reconciled. The amount which is non-recoverable should be clearly distinguished & the factual status may be appraised to



the Hqrs. Office.

9 . The cases which are pending with CPSU/SPSU Central Govt. undertaking may be reviewed and regular meetings should be held with CEO or Concerned Authorities. These Authorities should be apprised about the coercive action which are available and may be enforced in case of non-compliance. A Copy of such letters may also be endorsed to the concerned State/Central Ministry.

10. As already advised earlier that Revenue Recovery Officer(RRO's) should not be given any other work and he should continuously visit the field to take effective action for realization of the non-recoverable dues. The tour of the staffs may be decided in advance. A copy should also be endorsed to Revenue Recovery Branch Hqrs.

11. As the recovery work requires continuous efforts and controlling RDs/SRO I/cs should ensure that effective SSO may be deputed for recovery work. The name of such SSO may be sent to Revenue Recovery Branch Hqrs. For initiating capacity building exercise for these officials.

12. RDs/SRO (I/c) should ensure that against the C-19 issued during the month, CP-2 should be issued in all cases by last-day of the month.

13. RD/SRO (I/c) should convene a meeting with Revenue Recovery Officer fortnightly for reviewing the performance of Recovery officer and the staff under recovery branch.

14. All available measures for recovery of outstanding dues should be taken within 3 month from the date of issue of C-19.

15. All CP-2 involving small amount may be provided to area SSO and concerned branch managers for recovery of dues by active persuasion with the employer.

All field office may start action as per these instructions so that recovery may be expedited and reconciliation exercise should be completed by 31.03.2025

Region wise statement of Recoverable and non-recoverable arrear is attached herewith for ready reference.

Strict compliance of above direction should be ensured.



This issues with the approval of Director General.

Encl: as above

Yours faithfully,



(Rakesh Roshan)

Dy. Director(Revenue)

Copy to:-

All Zonal ICs- with request to monitor the action taken by RDs/SROs I/c and the RROs in this regard.



Dy. Director (Revenue)

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EMPLOYEES' STATE INSURANCE CORPORATION
"PANCHDEEP BHAWAN" KOTLA ROAD, NEW DELHI

No. Q-11/15/9/96-Ins.III

Dated: 8, Sept., 98

Regional Director,
ESI Corporation,

Subject:- Submission of proposals for waiver of
irrecoverable dues.

Sir,

I am directed to inform you that while processing a case of waiver of irrecoverable dues on account of non-availability of whereabouts of the employer, on the orders of the Director General a reference was made to Mr. Director, Nagpur to make a personal enquiry and to send a well considered report on verification of facts about the non-availability of the employer. The verification of the facts revealed that the employer is very much available and is running a business and chances of recovery are there. Director General has taken a serious view of this lapse and has desired the Regional Directors to ensure that all the informations being submitted in the prescribed proforma for waiver of ESI dues are correctly furnished. Particularly, the information regarding non-availability of whereabouts of the employer should be supported by a certificate to the effect that all possible efforts have been made in this regard and the Regional Director was satisfied himself about the correctness of the reports.

Receipt of this letter may please be acknowledged.

Yours faithfully,

L. K. Pattanaik
(L.K. PATTANAİK)
JOINT DIRECTOR (R)

S.No.	Name of Region	Annual Arrear of cont.,Inst. & Damages as on 31.3.2024 (Rs. in Crores)																	
		Amount in Court	Amount in Liquidation	Amount with C.C.	Whereabouts employer not known	Decree Obtained but not executed	Total of Irrecoverable C+D+E+F+G	Registered with BIR but R/S yet to be sanctioned	Decayed sick and RS sanctioned	Total (I+J)	Employer's known but closed unit	Recovery dues pending with (RR)	Total Recoverable (L+M) Amount in Crores	Total of not recoverable (H+K) Amount In Crores	Total dues Recoverable (N+O) Amount In Crores				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
1	VIDYAVADA	20.38	1.33	0.00	4.54	0.00	26.25	0.86	0.39	1.25	12.58	38.70	51.28	27.50	78.78				
2	VISAKHAPATNAM	23.43	9.68	0	1.99	0	35.10	2.71	1.23	3.94	0.52	37.47	37.99	39.04	77.03				
3	TRUPATHI	10.11	0.52	0.51	6.76	0	17.90	0	0.25	0.25	0.31	34.23	34.54	18.15	52.69				
ASSAM																			
4	GUMHATI	12.73	0	0	11.12	0	23.85	0.38	0	0.38	0.38	14.57	14.95	24.23	39.18				
5	MIZORAM	0	0	0	0	0	0.00	0	0	0.00	0	0	0	0	0.00				
6	MAGALAND	0	0	0	0	0	0.00	0	0	0.00	0	0	0.00	0.00	0.00				
7	TRIPURA	0	0	0	0	0	0.00	0	0	0.00	0	0	0.00	0.00	0.00				
8	MANIPUR	0	0	0	0	0	0.00	0	0	0.00	0	0	0.00	0.00	0.00				
BIHAR																			
9	PATNA	23.32	2.44	0.43	2.18	0	28.37	8.03	0	8.03	0	30.55	30.55	36.40	66.95				
10	CHANDGARH (UT)	0	0	0	0	0	0.00	0	0	0.00	0	0	0.00	0.00	0.00				
CHHATTISGARH																			
11	RAIPUR	20.87	2.05	0	0.65	0	23.57	6.95	0	6.95	52.43	26.59	79.02	30.52	109.54				
DELHI																			
12	RAVENDER PLACE	34.60	0.07	0	2.17	0	36.84	1.28	0	1.28	0.76	32.06	32.82	38.12	70.94				
13	ROHINI	4.82	0.30	0	2.01	0	7.13	0	0	0.00	0	13.12	13.12	7.13	20.25				
14	OKHLA	17.49	10.89	0	20.6	0	48.98	6.16	0	6.16	0	24.6	24.60	79.74	20.58				
15	MAND NAGRI	12.09	0.05	0	0.58	0	12.72	0	0	0.00	1.52	6.34	7.86	12.72	20.58				
GOA																			
16	PANAJI	2.33	0.13	0	2.14	0	4.60	0.57	0	0.57	2.09	9.22	11.31	5.17	16.48				
GUJRAT																			
17	AHMEDABAD	33.61	57.38	0.57	0.01	0	91.57	3.27	0	3.27	0.01	43.45	43.46	94.84	138.30				
18	VADODARA	3.74	5.92	1.7	0.47	0	11.83	0	0	0.00	1.86	12.76	14.62	11.83	26.45				
19	SURAT	14.76	1.82	0	1.83	0	18.41	0.61	1.6	2.21	2.54	6.94	9.48	20.62	30.10				
HARYANA																			
20	FARIDABAD	21.75	36.11	0	4.86	0	62.72	0.05	15.69	15.74	0	40.89	40.89	78.46	119.35				
21	GURGAON	27.12	1.87	0	0	0	28.99	0.14	0	0.14	0	48.39	48.39	29.13	77.52				
22	AMBALA Karnal	2.42	0	0	0.43	0	2.85	0.45	0	0.45	0	12.5	12.50	3.30	15.80				
HIMACHAL PRADESH																			
23	BADDI	5.27	0.02	0	0.47	0	5.76	0.64	0	0.64	0	16.93	16.93	6.40	23.33				
JAMMU & KASHMIR																			
24	JAMMU	24.23	0	0	0	0	24.23	0	0	0.00	1.69	16.81	18.50	24.23	42.73				
JHARKHAND																			
25.00	RANCHI	13.00	0.00	0.00	4.00	0.00	17.00	1.20	0.00	1.20	2.60	21.00	23.60	18.20	41.80				
KARNATAKA																			
26	BANGALURE	12.42	5.17	0	43.14	0	60.73	1.11	0	1.11	0.56	76.49	76.85	61.84	138.69				
27	HUBLI	60.54	1.57	0	3.8	0	65.91	0.1	0	0.10	3.39	13.83	13.83	66.01	79.84				
28	BOMMASANDRA	2.60	0.05	0	0.05	0	2.71	0.33	0	0.33	0	38.66	42.05	2.84	44.89				
29	PEENYA	12.06	0.79	0	20.02	0	32.87	30.62	0.02	30.64	6.48	9.02	15.50	63.51	79.01				
30	MYSORE	16.64	1.7	0	6.62	0	24.95	2.7	0	2.70	0	11.53	11.53	27.66	39.19				
31	GULBARGA	2.33	0	0	7.88	0.64	10.85	0.39	0	0.39	0	4.09	4.09	11.24	15.33				
32	MANGALORE	8.60	0.12	0.00	1.39	0.00	10.11	0.13	0.00	0.13	0.02	6.76	6.78	10.24	17.02				
KERALA																			
33	TRICHUR	16.36	1.33	0	0.09	0	17.78	0.47	0	0.47	3.69	22.69	26.38	18.25	44.63				
34	KOLLAM	16.21	0.97	0.00	0.01	0	17.19	0.04	0	0.04	3.84	21.56	25.40	17.23	42.63				
35	ERNAKULAM	19.90	6.40	0	5.80	0	32.10	0	0	0.00	3.80	26.80	30.60	32.10	62.70				
36	KOZHIKODE	14.36	1.96	0	0.53	0.21	17.06	1.86	0	1.86	1.00	26.66	27.66	18.92	46.58				
37	THIRUVANANTHAPURAM	43.17	2.45	0	1.01	0	46.63	0.43	0	0.43	1.23	64.78	66.01	47.06	113.07				
MADHYA PRADESH																			
38	INDORE	24.02	34.48	0.75	13.09	0	72.34	3.66	3.27	6.93	0.38	26.38	26.76	79.27	106.03				
39	BHOPAL	33.67	0.92	0.07	6.03	0	40.69	1.23	0	1.23	5.74	19.48	25.22	41.92	67.14				
MAHARASHTRA																			
40	MUMBAI	96.23	9.6	0.94	0.46	0	107.23	1.87	10.3	12.17	0.47	105.25	105.72	119.40	225.12				
41	THANE	24.24	0	0	17.35	0	41.59	40.36	0	40.36	0	71.37	71.37	81.95	153.32				

Included in Punjab

Included in Guwahati

Included in Guwahati

Included in Guwahati

Included in Guwahati

