



क.रा.बी.नि.
E.S.I.C

कर्मचारी राज्य बीमा निगम
(श्रम और रोजगार मंत्रालय, सरकार भारत)
Employees' state Insurance Corporation
(Ministry of Labour & Employment, Govt. of India)



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No.P-11/14/20/02/2021 Rev.II

Dated: 01.12.2021

To

All AC & RDs/Directors I/c/JD I/c/DD I/c
ROs/SROs, ESI Corporation

**Sub: Remanding back of Appeal u/s 45AA to Authorized Officer by the
Appellate Authority- reg**

Sir,

As per the provision u/s 45AA of the ESI Act, an employer who is not satisfied with the order referred to in section 45A, may prefer an appeal to an Appellate Authority as may be provided by regulation, within sixty days of the date of such order after depositing twenty-five per cent of the contribution so ordered or the contribution as per his own calculation, whichever is higher, with the Corporation.

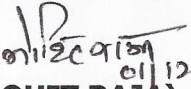
"The Appellate Authority may confirm, reduce, enhance or annul the assessment made by the Authorized Officer. Appellate Authority further pass such order in the appeal as he thinks fit in relation to a particular case. However, the Appellate Authorities shall not enhance the amount of assessment unless the appellant has been given a reasonable opportunity of showing cause against such enhancement. The Appellate Authority shall decide the case within 60 days from the date of filing of appeal".

In this regard, it is informed that Hqrs. office is receiving representations /complaints from employers that several Appellate Authorities are remanding back the appeal to authorized officer (in some cases to the same authorized officer) without disposal of the issue by which employer has to suffer unnecessarily. Remanding back of appeal filed u/s 45AA is a clear violation of provisions of Act/instructions issued in this regard and referring back such appeals to authorized office is defeating the very purpose of appeal u/s 45AA.

It is therefore clarified that Appellate Authority should pass a well reasoned order u/s 45AA on the basis of records / available information produced by the employer and shall not remand back the cases to Authorised Officer.

This issues with the approval of the Director General.

Yours faithfully,


(MOHIT RAJA)
DY. DIRECTOR (REV.)

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