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The Code on Social Security, 2020

Section 129 - Recovery of amount due

(1) Any amount due from an employer or any other person in relationto an establishment including any contribution or cess payable, charges, interest, damages, or benefit or anyother amount may, if the amount is in arrear, be recovered in the manner specified in this section andsections 130 to 132.
(2) Where any amount is in arrear under this Code, the Authorised Officer, or the competent authority,as the case may be, shall issue to the Recovery Officer referred to in sub-section (4), a certificateelectronically or otherwise, specifying the amount of arrears and the Recovery Officer, on receipt of suchcertificate, shall proceed to recover the amount specified therein from the establishment or, as the case maybe, the employer by one or more of the modes mentioned below, namely:
(a) attachment and sale of the movable or immovable property of the establishment or, as the casemay be, of the employer;
(b) arrest of the employer and his detention in prison;
(c) appointing a receiver for the management of the movable or immovable properties of the defaulter:
Provided that the attachment and sale of any property under this section shall first be effected againstthe properties of the establishment and where such attachment and sale is insufficient for recovering thewhole of the amount or arrears specified in the certificate, the Recovery Officer may move such proceedingagainst the property of the employer for recovery of the whole or any part of such arrears.
(3) The Authorised Officer or the competent authority, as the case may be, may issue a certificate undersub-section (2), notwithstanding that proceeding for recovery of the arrears by any other mode has beentaken.
(4) The Authorised Officer or the competent authority, as the case may be, may forward the certificateissued under this section, to the Recovery Officer within whose jurisdiction the employer
(a) carries on his business or profession or within whose jurisdiction the principal place of hisestablishment is situate; or
(b) resides or any movable or immovable property of, the establishment or, the employer is situated.
(5) Where an establishment or the employer has property within the jurisdiction of more than oneRecovery Officer and the Recovery Officer to whom a certificate is sent by the Authorised Officer or thecompetent authority, as the case may be
(a) is not able to recover the entire amount by the sale of the property, movable or immovable, withinhis jurisdiction, or
(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or anypart of the amount, it is necessary so to do,
he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificatecertified by him, specifying the amount to be recovered, to the Recovery Officer within whose jurisdictionthe establishment or the employer has property or the employer resides, and thereupon that RecoveryOfficer shall proceed to recover the amount due under this section as if the certificate or the copy thereofhad been the certificate sent to him by the Authorised Officer or the competent authority, as the case maybe.

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