

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2021] NZERA 72  
3082900 & 3082901

BETWEEN	A LABOUR INSPECTOR Applicant
AND	INDIAN CUISINE NZ LIMITED (IN LIQUIDATION) First Respondent
AND	PREMIER BRANDS LIMITED Second Respondent
AND	RONEEL SURAJ SINGH Third Respondent
AND	REENA ROSHINI LATA Fourth Respondent

Member of Authority: Robin Arthur

Representatives: Tim Gray, counsel for the Applicant  
Imran Kamal, liquidator of the First Respondent  
Roneel Singh, director of Second Respondent and in person as Third Respondent  
Reena Lata, in person as Fourth Respondent

Cost submissions: On 4 February 2021 from the Inspector and on 19 February 2021 from Mr Singh

Determination: 25 February 2021

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] The Labour Inspector sought an order for costs of \$2,250 in these proceedings that have resulted in two determinations of the Authority. The first was a consent determination detailing breaches of employment standards committed by Indian Cuisine NZ Limited (ICNZL) and Premier Brands Limited (PBL) and the involvement in those breaches by Roneel Singh, the sole director and sole shareholder of both companies, and his wife Reena Roshini Lata, in her role calculating and processing

wage and holiday payments to the employees of both companies.<sup>1</sup> Orders were made for payment of agreed arrears totalling \$32,638.13. Those arrears have now been paid.

[2] The second determination imposed penalties for the breaches of employment standards.<sup>2</sup> The penalties ordered were \$20,000 from ICNZL, \$30,000 from PBL, \$25,000 from Mr Singh and \$5,000 from Ms Lata.

[3] The Labour Inspector asked that any costs order be made on a joint and several basis by PBL, Mr Singh and Ms Lata. No costs were sought from the first respondent company as its liquidator had consented to the proceedings continuing, abided by the Authority's determination, and otherwise took no active role.

[4] The consent determination and the penalty determination were both, by agreement, decided on the papers. The parties lodged an extensive Statement of Agreed Facts and submissions on the penalty issues. The sum of \$2,250 sought as costs is half the Authority's usual daily tariff for costs for an investigation meeting in person. It was evident from the pleadings, submissions, memoranda and other correspondence on the Authority files for these two matters that costs reasonably incurred for attendances associated with these proceedings would have significantly exceeded the nominal contribution sought.

[5] The Inspector's application acknowledged ability to pay was a factor to take into account in fixing costs.

[6] Mr Singh addressed that issue in the brief submissions he made by email. He said the accounts of Premier Brands Limited would "show the financial strain we are facing". He did not provide those accounts. He said he and Ms Lata now lived separately. She had a job. He did not. They had expenses for the care of their three children. He said the respondents had borrowed money from family members to pay the wage arrears ordered in the consent determination. He did not however provide any verified financial information, either by affidavit or other reliable documentary evidence, to support those submissions.

[7] In the absence of verified financial information, but taking account of Mr Singh's submissions, \$2,250 was a modest and reasonable amount to order PBL, Mr

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<sup>1</sup> *Labour Inspector v Indian Cuisine (NZ) Limited (in liquidation) & Ors* [2020] NZERA 449.

<sup>2</sup> *Labour Inspector v Indian Cuisine (NZ) Limited (in liquidation) & Ors* [2021] NZERA 3.

Singh and Ms Lata pay on a joint and several basis to pay as a contribution to the costs incurred by the Inspector in these proceedings.

[8] How the parties apportion payment of those costs between themselves is a matter for them, provided the total amount is paid.

[9] The sum of \$2,250 must be paid to the Inspector as a contribution to costs within 28 days of the date of this determination.

Robin Arthur  
Member of the Employment Relations Authority