

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2024] NZERA 462
3216839

BETWEEN RAGHUBIR SINGH
Applicant

AND ARCHIT VERMANI
LIMITED
First Respondent

AND NEERAJ VERMANI
Second Respondent

Member of Authority: Eleanor Robinson

Representatives: Alexander Brown, advocate for the Applicant
Mamta Dave, counsel for the Respondent

Costs Submissions: 12 July 2024 from the Applicant
29 July 2024 from the Respondent

Determination: 30 July 2024

COSTS DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In a determination dated 25 June 2024 ([2024] NZERA 378) it was determined that the Applicant, Raghbir Singh, was owed monies in respect of annual and public holiday leave entitlements by the First Respondent, Archit Vermani Limited (AVL).

[2] In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. Unfortunately they have been unable to do so, and the Applicant is seeking a contribution to costs.

[3] The investigation meeting involved a two day investigation meeting.

[4] Mr Brown, on behalf of Mr Singh, is seeking a contribution to costs at the daily notional tariff rate in the Authority of \$8,000.00.

[5] Ms Dave, on behalf of the Respondents, accepts the Applicant's claim but asks that the costs be paid by instalments. This has been agreed by the Applicant.

Costs Award

[6] It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*¹ that costs are modest. Principles also include that costs are reasonable and that they normally follow the event.

[7] I see no reason for not applying these principles in this case. Mr Singh was the successful party in the matter.

[8] Costs in the Authority are made in accordance with a daily tariff amount which is currently set at \$8,000.00 for a two day hearing.

[9] I consider it appropriate to base the level of costs on the normal tariff in the Authority as at the date of filing. I also note the agreement of the parties to payment of the costs ordered by instalments and make this agreement an order of the Authority.

[10] **Accordingly AVL is ordered to pay Mr Singh the sum of \$8,000.00 towards his legal costs, pursuant to clause 15 of Schedule 2 of the Act.**

[11] **Payment is to be made by three equal fortnightly instalments commencing 7 days from the date of this determination.**

Eleanor Robinson
Member of the Employment Relations Authority

¹ [2005] 1 ERNZ 808