

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 337
3271339

BETWEEN

VEERAN SURIYA
PRAKASH
Applicant

AND

COCA-COLA EUROPACIFIC
PARTNERS NEW ZEALAND
LIMITED
Respondent

Member of Authority: Andrew Gane

Representatives: Applicant in person
Anne Wilson, counsel for the Respondent

Investigation Meeting: On the papers

Submissions received: 24 September 2024 from the Applicant
23 September 2024 from the Respondent

Date: 16 June 2025

COSTS DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] A determination issued on 5 June 2024 held that there was no basis for Coca-Cola Europacific Partners New Zealand Limited (CCEP) to be joined as a controlling third party to a proceeding brought by Veeran Prakash. As a result, the Authority did not have jurisdiction to investigate the matter and Mr Prakash's claims were dismissed.¹

[2] Costs were reserved costs and the parties encouraged to resolve any issues of costs between themselves. They were unable to do so.

¹ *Veeran Prakash v Coca-Cola Europacific Partners New Zealand Limited* [2024] NZERA 505.

[3] CCEP seeks an order for costs \$2,500 against Mr Prakash.

[4] Mr Prakash opposes the amount of costs CCEP is claiming and claims that costs should be awarded to himself.

The Authority's investigation

[5] This matter was determined on the papers without holding an investigation meeting.² This determination has been issued outside the timeframe set out in s 174C(3)(b) of the Employment Relations Act 2000 in circumstances the Chief of the Authority has decided, as he is permitted by s 174C(4) of the Act to do, are exceptional.

The Parties' Submissions

CCEP's submissions

[6] CCEP's counsel submits that an appropriate costs award against Mr Prakash in the circumstances is \$2,500 (or 50 per cent of the daily tariff) as:

- (a) the matter did not involve an in-person full day hearing, it was heard 'on the papers';
- (b) CCEP was successful in its application;
- (c) the starting point is that costs should follow the event;
- (d) Mr Prakash's conduct unnecessarily increased the costs of the parties as:
 - i. his claim had no merit;
 - ii. he used arguments that had no prospect of success; and
 - iii. he made interim requests that were also without merit; and
- (e) CCEP's actual costs exceeded both the proposed costs award and the full daily tariff.

² Employment Relations Act 2000, s175D.

Mr Prakash's submissions

[7] Mr Prakash seeks an order for costs against the CCEP for engaging in deliberate delaying tactics, procedural misconduct, corporate bullying, and retaliatory actions for his appeal to the Employment Court.

[8] Mr Prakash submits CCEP's behaviour throughout the Authority proceedings represented a systematic effort to manipulate procedural rules and evade accountability, particularly by refusing to engage with prima facie evidence that remained uncontested.

[9] Mr Prakash also accuses CCEP of deliberately distorting the findings of the Authority.

Analysis

Costs in the Authority

[10] The power of the Authority to award costs is contained in cl 15 of sch 2 of the Employment Relations Act 2000.

[11] I agree with CCEP's counsel that Mr Prakash's claim lacked merit and that he also raised additional claims to which CCEP needed to reply. Mr Parkash has not put forward any argument as to why there should be a departure from the normal daily tariff rate. I find he has failed to raise any reasonable objection to an award of costs against him.

Costs follow the event

[12] The usual principle for costs is that a successful party is entitled to a contribution towards their representation costs.

[13] This matter was dealt with on the papers. When a party has incurred costs for representation by a lawyer or other advocate, the Authority may order whichever party is unsuccessful to contribute to any reasonably incurred costs of the other party.

Application of the daily tariff

[14] The Authority has adopted a daily tariff approach as the starting point for considering costs. The current daily tariff is \$4,500.00 for the first day of hearing, and \$3,500.00 for subsequent hearing days.³

[15] The parties can expect the Authority to adhere to this approach, unless there is good reason to depart from it.

[16] CCEP says costs should be fixed at a rate that is half the daily tariff for the first day of an investigation meeting in the amount of \$2,250.00. CCEP submits this is a reasonable amount for a preliminary matter that was able to be resolved on the papers and that actual cost exceeded the daily tariff.

[17] Mr Prakash was unsuccessful in his claim and his application was dismissed.

[18] Given the matter was heard on the papers, I adopt a starting point at a quarter of the notional daily tariff being \$1,125.00. I consider a small uplift of \$500 is justified for CCEP to respond to the additional matters raised by Mr Prakash in his submissions.

Orders

[19] Mr Veeran Prakash must pay Coca-Cola Europacific Partners New Zealand Limited \$1,625.00 as a contribution to its costs in this matter. This is to be paid within 28 days of this determination.

Andrew Gane
Member of the Employment Relations Authority

³ For further information about the factors considered in assessing costs, see: www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1 .