

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2025] NZERA 729  
3322160

	BETWEEN	GURWINDER SINGH Applicant
	AND	HGS LIMITED First Respondent
	AND	GAURAV UPPAL Second Respondent
Member of Authority:	Helen van Druten	
Representatives:	Vikram Singh, advocate for the Applicant No appearance by or for the First or Second Respondent	
Investigation Meeting:	On the papers	
Submissions received:	29 September 2025 from the Applicant None received from the First or Second Respondent	
Determination:	13 November 2025	

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Substantive determination**

[1] In a determination of 4 September 2025, HGS Limited and Mr Gaurav Uppal as director of HGS Ltd, were ordered to pay \$26,772.90 for unpaid contracted work hours, accrued annual leave, compensation pursuant to s 123(1)(c)(i) of the Act and lost wages pursuant to s 123(1)(c)(ii) to Mr Gurwinder Singh.<sup>1</sup>

[2] Costs were reserved for the parties to negotiate but no agreement was reached. Neither HGS Ltd nor Mr Uppal engaged in the process and did not provide any response to the costs application.

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<sup>1</sup> *Singh v HGS Limited & Anor* [2025] NZERA 553.

[3] Mr Singh as the successful party has applied for a costs order in his favour.

### **The application for costs**

[4] In a concise email of 29 September 2025, Mr Singh's advocate sought a contribution to costs of \$2,250 as per the Authority's normal daily tariff approach. He submitted an invoice confirming that actual representative costs exceeded the amount sought.

[5] There was no response to Mr Singh's costs submission from either HGS Ltd or Mr Uppal.

### **Assessment**

#### *The Authority's costs approach*

[6] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000. It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*<sup>2</sup> that costs are modest and that they normally follow the event.

#### *Applying the daily rate*

[7] The Authority's general approach is to apply a notional daily rate and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.<sup>3</sup> The current full daily rate is \$4,500 for the first day of an investigation meeting.

[8] As the matter was heard on the papers, Mr Vikram Singh has proposed that \$2,250 as 50 percent of the notional daily tariff is appropriate.

[9] The nature of the issues required analysis of wage and time record information. I accept that this takes time to prepare and the representative costs are reasonable in the circumstances.

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<sup>2</sup> *PBO Limited (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

<sup>3</sup> For further information about the factors considered in assessing costs see:

[www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1](http://www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1)

[10] I see no reason to depart from the approach submitted by Mr Vikram Singh and as it aligns with other similar Authority costs determinations, I consider that half the notional daily rate should apply.

**Order**

[11] Pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000, I order HGS Limited and Mr Gaurav Uppal to jointly and severally pay Mr Gurwinder Singh a contribution to his costs of \$2,250. An additional payment of \$71.55 costs as the Authority filing fee was ordered in the substantive determination.

Helen van Druten  
Member of the Employment Relations Authority