

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2024] NZERA 689  
3262340

BETWEEN NAVDEEP DHINDSA  
Applicant

AND VEER TRANSPORT  
LIMITED  
Respondent

Member of Authority: Marija Urlich

Representatives: Benjamin Hinchcliff, counsel for the Applicant  
Arunjeev Singh, counsel for the Respondent

Investigation Meeting: On the papers

Submissions and 29 October 2024, from the Applicant  
information received: No information or submissions from the Respondent

Determination: 19 November 2024

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] The Authority issued a determination on 15 October 2024 which found Mr Dhindsa had established a personal grievance for unjustified dismissal and awarded compensatory remedies in his favour.<sup>1</sup> Costs were reserved, and a timetable set if the parties were unable to resolve this issue themselves which Mr Dhindsa advises, despite his efforts has not been possible.

[2] Mr Dhindsa seeks by way of memorandum filed and served within the timetable a contribution to costs from Veer Transport Limited (VTL). VTL has not filed a reply or otherwise communicated with the Authority.

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<sup>1</sup> *Navdeep Dhindsa v Veer Transport Limited* [2024] NZERA 617.

## **Costs principles**

[3] The Authority has power under clause 15 of Schedule 2 of the Act to award costs. This power is discretionary and must be used in a principled manner. Principles guiding the Authority's approach to costs include:

- The statutory jurisdiction to award costs is consistent with the Authority's equity and good conscience jurisdiction.
- Equity and good conscience is to be considered on a case by case basis.
- Costs are not to be used as a punishment or as an expression of disapproval for an unsuccessful party's conduct, although conduct which increased costs unnecessarily can be taken into account in inflating or reducing an award.
- Costs generally follow the event.
- Awards will be modest.
- Frequently costs are judged against a notional daily tariff.

## **Mr Dhindsa's claim for costs**

[4] Mr Dhindsa seeks an award of \$4,500 and a 10% uplift as a contribution to total costs of representation incurred after mediation of \$13,375.50. Supporting information has been provided. He submits the award sought is warranted given:

- he was the successful party and costs should follow the event;
- the investigation meeting required one full hearing day; and
- VTL failed to respond to counsel for Mr Dhindsa's communications regarding seeking to resolve costs.

## **Costs analysis**

[6] Mr Dhindsa was the successful party and it is usual that costs follow the event and that the unsuccessful party will be required to make a contribution towards the successful party's costs.

[7] The notional daily tariff is a starting point. The applicable daily tariff is \$4,500 with each subsequent day at \$3,500. This matter involved one full day investigation meeting so the starting point is \$4,500.

[8] An uplift is not warranted. While it is unfortunate VTL did not engage with Mr Dhindsa to attempt to resolve costs there is no guarantee such engagement would have resolved the issue.

[9] A fair costs award, given all the relevant circumstances is in Mr Dhindsa's favour at the daily tariff of \$4,500 plus reimbursement of the filing fee of \$71.55.

### **Outcome**

[10] Veer Transport Limited is ordered to pay Navdeep Dhindsa \$4,500.00 as a contribution to costs incurred and \$71.55 to reimburse the filing fee.

Marija Urlich  
Member of the Employment Relations Authority