

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 75
3323720

BETWEEN KAMALJEET SINGH
 Applicant

AND LOVELY BEDI
 Respondent

Member of Authority: Robin Arthur

Representatives: John Wood and Susanne Lass, advocates for the
 Applicant
 Eshan Gupta, advocate for the Respondent

Submissions: From the Applicant on 5 January 2026 and from the
 Respondent on 20 January 2026

Determination: 13 February 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination on 2 December 2025 the Authority found Kamaljeet Singh was owed arrears of wages and holiday pay totalling \$15,280.83 for his work with Bedi Food Limited (BFL), a company which had gone into liquidation before the Authority investigation.¹

[2] Once BFL went into liquidation the proceedings had continued against Lovely Bedi, the director of BFL. The determination found Mr Bedi was a person involved in breaches of employment standards due to BFL's failure to pay money due under the Wages Protection Act 1983 and Holidays Act 2023. Mr Singh was given leave under s 142Y of the Employment Relations Act 2000 to pursue Mr Bedi personally for payment of the arrears due for his work for BFL.

¹ *Singh v Bedi* [2025] NZERA 780

[3] Mr Bedi was also ordered to pay a penalty of \$3,000 directly to Mr Singh for aiding and abetting breaches of the terms of Mr Singh's employment agreement by failing to pay his wages, including for a notice period.²

[4] Mr Singh did not succeed in his claims that he had to pay a premium for his job and that he had worked longer than 35 hours a week.

[5] The Authority determination indicated that, if a determination of costs was needed, the starting point for this assessment would most likely apply the Authority's usual daily tariffs of \$4,500 for the first day and \$3,500 for any additional days. The investigation meeting of Mr Singh's claim took one and a quarter days so applying those tariffs gave a starting point of \$5,375.

[6] Mr Singh sought an uplift of \$875 on the starting point due to additional time his representative was said to have needed to spend amending his claim after BFL went into liquidation. He opposed any reduction of costs because he had not succeeded in claims regarding a premium and working longer hours.

[7] Mr Bedi opposed any uplift in costs. Rather he submitted any award should be lower than the tariff starting point because Mr Singh had not succeeded in some claims and Mr Bedi currently had no employment or business income.

Factors

[8] In determining costs the Authority applies well-established tenets to the particular circumstances of the case.³ Those tenets recognise that a successful party should receive a contribution to its reasonably incurred costs and expenses; costs should generally be modest and may not be used to punish an unsuccessful party; the nature of the case may allow for an order that costs lie where they fall; and the Authority may use a notional 'daily rate' as a starting point to assess costs. The current daily rate is \$4,500 for the first day of any investigation meeting, with a further \$3,500 for each additional day.

[9] Undue rigidity in applying the daily rates is avoided by upward or downward adjustments appropriate to the particular case. Those adjustments may take account of

² *Singh v Bedi* [2025] NZERA 780.

³ Employment Relations Act 2000, Schedule 2 clause 15(1) and www.era.govt.nz/determinations/awarding-costs-remedies.

settlement offers made by either party, the financial means of a liable party to pay costs, the preparation required in particularly complex matters and whether the conduct of any party unnecessarily increased costs incurred.

Assessment

No uplift in costs

[10] The liquidation of BFL did not warrant an uplift on the tariff for costs. Because proceedings could not continue against the company, the scope of the investigation was narrower. Mr Singh had sought orders against Mr Bedi, as well as BFL, from the outset of his application to the Authority so progressing his case only against Mr Bedi probably involved less preparation rather than more.

[11] Mr Singh relied on a decision of the Employment Court awarding costs against a company in liquidation as supporting his argument for an uplift because the liquidation caused him unnecessary costs.⁴ The principles and rules applied by the court in that case did not assist with assessing any costs Mr Bedi must pay. The court's decision concerned costs against a company in liquidation, not an individual director, and the court was applying its own costs scale and rules for a matter before it, not the tariff and principles appropriate for a matter before the Authority.

Reduction for unsuccessful claims

[12] Mr Singh was entitled to an award of costs because costs 'follow the event' of the success of some of his claims. A downward adjustment of the starting point for assessment of costs was appropriate due to the time taken for his unsuccessful claim regarding payment of a premium. Broadly assessed, the time taken examining evidence around that claim was around a quarter of a day. This takes the assessment down to \$4,500.

[13] No further reduction was warranted in relation to his unsuccessful claim that he worked longer hours. As noted in the Authority's determination BFL's failure to meet its statutory obligation to keep full wage and time records contributed to Mr Singh's difficulty making out that part of his claims.⁵ Keeping those records was an obligation Mr Bedi, as a director, was

⁴ *Jitbug Limited (in liq) v Turconi* [2025] NZEmpC 234.

⁵ *Singh*, above n 1, at [55].

responsible for and he cannot, fairly, get a reduction in his costs obligations for that failure that hindered Mr Singh's claim about his working hours.

No reduction for financial circumstances

[14] Mr Bedi did not provide any evidence to support his submission that a costs award at or near the Authority tariff would be disproportionate and cause hardship. His assertion of no current business or employment income was not sufficient to address the prospect that he could meet a costs award at some stage in the future from earnings or assets of his own or from funds borrowed from a financial institution, family or friends.

Order

[15] For the reasons given, the amount Mr Bedi must pay \$4,500 to Mr Singh as a contribution to his costs of representation in successfully pursuing his wages arrears and penalty claims in the Authority. Mr Bedi must also reimburse Mr Singh for the expense of \$71.55 paid as a fee to lodge his application in the Authority.

[16] Mr Bedi must pay Mr Singh those costs and expenses within 28 days of the date of this determination.

Robin Arthur
Member of the Employment Relations Authority