

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 333
5338481

BETWEEN SANJESHI SHALINE
 CHANDRA
 Applicant

AND GRIFFIN'S FOODS LIMITED
 Respondent

Member of Authority: K J Anderson

Representatives: R France, Counsel for Applicant
 L Turner, Counsel for Respondent

Submissions received: 30 July 2012 from Applicant
 31 August 2012 from Respondent

Determination: 25 September 2012

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 29th June 2012¹ the Authority found that the dismissal of Ms Chandra was unjustifiable and appropriate remedies were awarded. The parties were invited to resolve the issue of costs but did not reach a resolution. Submissions on costs have been received from the parties.

[2] The submissions of the respondent refer to *Calderbank* offers being made to Ms Chandra in an attempt to resolve her grievance in the context of the remedies awarded by the Authority. And at paragraph 17 of the respondent's submissions, it is proposed that: "... costs should lie where they fall."

[3] In the interim period between the Authority receiving the respective costs submissions and preparing to issue a determination on the matter, via an email dated 21 September 2012, Mr France, acting for the applicant, informed that:

¹ [2012] NZERA Auckland 222

I have taken instructions from my client. She now accepts the respondent's position that costs should lie where they fall. I therefore request that the Authority deals with the issue of costs as sought in paragraph 17 of Counsel for the respondent's Memorandum dated 31 August 2012.

Determination

[4] Upon the consent of the parties, it is agreed that costs pertaining to this matter shall lie where they fall. It is so ordered.

K J Anderson
Member of the Employment Relations Authority