

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2018] NZERA Auckland 259
3023238

BETWEEN CHIRAG DODIA
 Applicant

AND MAVRA LIMITED
 Respondent

Member of Authority: Vicki Campbell

Representatives: John Hickling for Applicant
 Preeya Reddy for Respondent

Submissions received: 24 July and 30 July 2018 from Applicant
 7 August 2018 from Respondent

Determination: 17 August 2018

COSTS DETERMINATION OF THE AUTHORITY

A. Mavra Limited is ordered to pay Mr Dodia the sum of \$6,000 as a contribution to his costs within 14 days of the date of this determination.

[1] In a determination dated 17 July 2018 I found Mr Dodia was an employee and had been unjustifiably dismissed.¹ I awarded Mr Dodia remedies in resolution of his personal grievance in addition to payment of outstanding holiday pay.

[2] I declined Mr Dodia's application for payment of a bonus, a declaration that one or more conditions of his employment were affected to his disadvantage by the unjustified actions of Mavra Limited and his claim for general damages.

¹ [2018] NZERA Auckland 221.

[3] I reserved costs, indicating that if the parties were unable to resolve costs, both parties would have the opportunity to file cost memoranda and evidence. The parties have been unable to resolve the matter.

[4] The discretion to award costs, while broad, is to be exercised in a principled way. The primary principle is that costs follow the event. The Authority has the power to order any party to pay to any other party such costs and expenses as the Authority thinks' reasonable.² The principles applying to costs are well settled and do not require repeating.³

[5] An assessment of costs will normally start with the notional daily tariff which is \$4,500 for the first day of an investigation meeting and \$3,500 for each subsequent day.⁴

[6] The investigation meeting took two days. The starting point for assessing costs is \$8,000. There was a mixed measure of success by both parties. Although Mr Dodia was partially successful in his claim that he was an employee other aspects of his claim were not successful.

[7] I have received a breakdown of Mr Dodia's costs which shows he incurred costs of \$13,074.53. In all of the circumstances these costs were reasonably incurred.

[8] In all the circumstances I consider an appropriate contribution to Mr Dodia's costs to be \$6,000. The reduction in the daily tariff recognises Mavra's success in defending a number of Mr Dodia's claims.

[9] Mavra Limited is ordered to pay Mr Dodia the sum of \$6,000 as a contribution to his costs within 14 days of the date of this determination.

Vicki Campbell
Member of the Employment Relations Authority

² Employment Relations Act 2000, Schedule 2, clause 15.

³ *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme & Co Limited* [2015] NZEmpC 135 at [106] – [108].

⁴ Practice Note 2, Costs in the Employment Relations Authority.