



EMPLOYMENT TRIBUNALS

Appellant: HJS Generation Limited

Respondent: Commissioners for Revenue and Customs

Heard at: Bury St Edmunds (CVP) **On:** 27 November 2023

Before: Employment Judge Laidler (sitting alone)

Representation:

Appellant: Mr M S Hossain, Director

Respondent: Not attending or represented.

JUDGMENT

1. The Hearing is adjourned.
2. The respondent is to write to the tribunal and the appellant within 14 days of the date on which these orders are sent to the parties explaining why:

2.1 it has not complied with the previous orders and

2.2 Attended this Hearing.

REASONS

1. The appellant has issued an Appeal against a Notice of Underpayment issued under the National Minimum Wage Act. The Notice of Appeal was received on 18 April 2023 and acknowledged and sent to the respondent on 17 May 2023. At that time a hearing was listed for 5 June 2023.

2. That hearing came before Employment Judge Liz Ord. The respondent did not attend and was not represented. Directions were made for a full merits hearing on 20 September 2023. That hearing had to be postponed by the tribunal and was relisted to today's date.

3. There had been no compliance by the respondent with any of the directions made by the previous tribunal. The claimant had filed late the previous evening six zip files containing copies of payslips and a copy of the respondent's calculation schedule. A paginated bundle of all documents had not been provided.

4. The appellant had difficulties connecting to the CVP hearing but eventually was able to dial in by telephone.

5. The judge could not be satisfied that the respondent has ever received the original notice of appeal and subsequent correspondence. This hearing was therefore adjourned. It is noted that the address being used for the respondent is Bush House South, West Wing, London WC2B 4RD. The judge has consulted the Presidential Guidance on statutory appeals and notes that a different address is given of Solicitors Office & Legal Services (NMW Litigation Team), 2nd Floor, 14 Westfield Avenue, Stratford, London E20 1HZ. This summary and previous orders will be sent to both addresses. Orders have been made as set out above. The file will then be returned to this Employment Judge for further orders to be made.

Employment Judge Laidler

Date : 4 December 2023

JUDGMENT SENT TO THE PARTIES ON

6/12/2023

FOR THE TRIBUNAL OFFICE - N Gotecha

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented

by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

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