



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4106553/2020 (V)**

**Held via Cloud Video Platform on 13 January 2021**

**Employment Judge Brewer**

**Mr S Singh**

**Claimant  
In person**

**Solutions 4 You Group Limited  
(in Voluntary Liquidation)**

**Respondents  
No appearance**

## **JUDGMENT**

1. The claimant's claim for unlawful deductions from wages succeeds.
2. The claimant is awarded the sum of £1,532.00 made up as follows:
  - a. arrears of wages in the sum of £1,200; and
  - b. unpaid commission in the sum of £532.00.

## **REASONS**

### **Introduction**

1. The respondent failed to attend the hearing. Mr Singh represented himself. Along with the pleading and various emails, Mr Singh also sent through a document he had received from Kay Johnson Gee Corporate Recovery Limited which is discussed further below. I heard oral evidence from Mr Singh.

## **Issues**

2. As it transpired the issues I had to decide were as follows:
  - a. Who is the correct respondent;
  - b. Did the claimant suffer unlawful deductions from wages?

## **Law**

3. I have considered sections 13 to 27 of the Employment Rights Act 1996 and for reasons which follow, section 112 of the Insolvency Act 1986.
4. In relation to the principal claim for unpaid wages, the law requires that the claimant has received less than the wages properly payable to him by his employer.

## **Findings of fact**

5. I make the following short findings of fact.
6. Mr Singh has been unclear about who his legal employer was. He worked for “Call Centre Solutions 4 You”. However, no limited company with that name exists. There is a company called “Solutions 4 You Group Limited”. That is the company in respect of which Kay Johnson Gee Corporate Recovery Limited were appointed. Mr Singh has documentary evidence that Kay Johnson Gee Corporate Recovery Limited accept that in the liquidation of Solutions 4 You Group Limited he was owed the total sum of £3,544.10 in unpaid remuneration. He has received partial payment.

7. From Mr Singh's evidence, and from the documents I have seen, I conclude that the legal entity which employed Mr Singh, from 1 July 2020 until the termination of his employment on 20 October 2020 was Solutions 4 You Group Limited. At the date of termination Mr Singh was owed the sum of £3,544.10 in unpaid remuneration.
8. Mr Singh was subsequently paid a portion of the unpaid remuneration but the sum of £1,532.00 remains outstanding.
9. The process for putting the respondent into members voluntary liquidation was commenced by company resolution on 23 November 2020 and the respondent is now in voluntary liquidation.
10. There is law in relation to the types and effects of various insolvency proceedings set out in the Insolvency Act 1986. In the case of a voluntary — as opposed to a compulsory — liquidation, the appointment of a liquidator results in his or her replacing the directors with regard to authority over the company. Although a court has power to stay proceedings under its general power to issue directions under section 112 Insolvency Act 1986, unless this happens the appointment of a liquidator in a voluntary winding up will not prevent the commencement or continuation of employment tribunal proceedings, other than that the title of the proceedings will be altered to include the words '(In Voluntary Liquidation)' after the respondent company's name and the address for service will be changed to that of the liquidator.
11. Therefore, I have amended the title of this case as necessary. The title and address of the liquidator is "KJG LLP 1 City Road, Manchester, M15 4PN".

## **Conclusion**

12. In short, on the evidence I have been presented with, I am satisfied that the claim against the respondent can continue, and I am satisfied that Mr Singh is owed the sum of £1,532.00 by way of unlawful deductions.

Employment Judge: Martin Brewer  
Date of Judgment: 13 January 2021  
Entered in register: 15 January 2021  
and copied to parties

**I confirm that this is my judgment in case 4106553/2020 (Singh v Solutions 4 You Group Limited (in voluntary liquidation)) and that I have signed the judgment by electronic signature.**