



EMPLOYMENT TRIBUNALS

Claimant: Mrs N Jain
Respondent: Wawwa Limited

JUDGMENT

The respondent's application for reconsideration of the judgment sent to the parties on 16th March 2021 is granted.

The Judgment is revoked and does not take effect.

REASONS

1. The claimant brought a claim for unlawful deduction from pay and unpaid holiday on 19th March 2020.
2. It transpired that the respondent no longer operated from the premises upon which the claim was served and so it was re-sent to the registered office which was the respondent's accountants.
3. Shortly thereafter, the respondent contacted the Tribunal and requested that the claim and any relevant paperwork be sent to its new premises at Pollard Yard M40 7QX. The claim was re-sent and the deadline for receipt of a response was 6th January 2021.
4. The respondent sent a response to the Tribunal. Unfortunately it was not received or acknowledged. The respondent emailed the Tribunal on 15th February 2021 seeking confirmation of receipt. The Tribunal replied on 5th March 2021 that there was no record of an ET3 being received.
5. On 16th March 2021, I determined the claim and issued a judgment under R21 ET(C&RP) Regulations 2013.
6. Upon receipt of the judgment, the respondent emailed the Tribunal attaching the ET3 and seeking clarification of the position. That email dated 19th March 2021 went unanswered. The respondent sent a further email on 1st April 2021 and finally sought a reconsideration of the judgment on 16th April 2021.
7. The application for reconsideration was made beyond the 14 day time limit, however I applied my case management powers under Rule 5, given the circumstances; that the respondent were managing a family illness and had been seeking clarification from the Tribunal and allowed the application to proceed.
8. I considered that there was a reasonable prospect of the judgment being varied or revoked and the matter was listed for a reconsideration hearing before me today.
9. Having heard from both parties and having had the benefit of reading all the correspondence on file, I accept that the respondent had submitted a

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response to the Tribunal. That response was not considered by me when I determined the claim and so it is clearly in the interests of justice for my judgment to be revoked and the matter proceed to a hearing in which both parties' accounts can be given.

10. Following my decision, I listed the case for hearing and gave directions which will be sent to the parties separately.

Employment Judge Howard
DATE 6th July 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

12 July 2021

FOR THE TRIBUNAL OFFICE