



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Imran Kiyani

**Respondent:** Project Re Limited (formerly known as Seasons Re Limited and as Glife Food Limited)

## JUDGMENT

The claimant's application dated **19 June 2022** for reconsideration of the judgment sent to the parties on **7 June 2022** is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, for the following reasons:

1. By his application for reconsideration, the applicant states that a form COT3 was issued but that the respondent refused to complete it. He seeks:
  - a. Compensation (unspecified) for stress (preamble and paragraph 1 of the application)
  - b. Interest from 9 February 2021 (paragraph 2 of the application)
  - c. a financial penalty as referred to in the COT3 guidance (paragraph 3 of the application)
2. I will consider these in order.
3. Paragraph 1: Although the Tribunal may make an award for compensation in respect of financial loss which is attributable to unlawful deductions from wages, there was no evidence before the Tribunal to support any such award for compensation. The Tribunal does not have jurisdiction to award

compensation for stress or other non financial suffering as is referred to in paragraph 1 of the claimant's application.

4. Paragraph 2: Save in discrimination claims, the Tribunal cannot award past interest on sums awarded. Accordingly, the Tribunal cannot award interest from 9 February 2021 as requested but only from the date of the judgment.
5. Paragraph 3: As recorded in the preliminary hearing held on 22 November 2021 before Employment Judge Cassel, the claimant has accepted that there was no concluded COT3 agreement. Accordingly, the claim was for wrongful deductions of wages and not to enforce a COT3 agreement (which the Tribunal would not necessarily have had jurisdiction to do). It follows that no penalties can be awarded for failing to pay the sums due under a COT3 agreement that had not, in fact, been entered into.

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Employment Judge **Talbot-Ponsonby**

Date: 28 September 2022

JUDGMENT SENT TO THE PARTIES ON

29 September 2022

FOR THE TRIBUNAL OFFICE