



# EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr R Jones

v

Zhero Ltd

**Heard at:** London Central (by video)

**On:** 18 & 19 December 2023

**Before:** Employment Judge P Klimov (sitting alone)

## Representation:

**For the Claimant:** Ms S Crawshay-Williams, of counsel

**For the Respondent:** Mr P Maratos and Mr Mawoko, of Peninsula

**For Mr Muklesur Bharuya:** Mr D Stirrat, solicitor  
(Rule 80 application respondent)

## JUDGMENT

1. The Respondent's application dated 28 September 2023 for an extension of time to present a response is granted, except with respect to the employer contract claim - paragraph 60 of the Grounds of Resistance – ("**the counterclaim**").
2. The Respondent's response presented on 28 September 2023 is accepted, except for the counterclaim.
3. The Respondent's counterclaim is dismissed for want of jurisdiction, being presented out of time where it was reasonably practicable for the Respondent to present it within the 6-week limitation period - Article 8 (c) of the

Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994/1623.

4. The Claimant's application for a wasted costs order against Mr Muklesur Bharuya under Rule 80 of the Employment Tribunals Rules of Procedure 2013 fails and is dismissed.
5. The Claimant's application for a costs order against the Respondent under Rule 76(1)(a) of the Employment Tribunals Rules of Procedure 2013 succeeds. The Respondent has acted unreasonably in the way that the proceedings have been conducted by it between 31 July 2023 and 7 September 2023 and must pay to the Claimant the sum of **£1,020** with respect of his costs.

**Employment Judge Klimov**

19 December 2023

Sent to the parties on:

19/12/2023

For the Tribunals Office

### **Notes**

Reasons for the judgment having been given orally at the hearing. Written reasons have been requested by Mr Stirrat on behalf of Mr Bharuya at the hearing. They will be provided in due course, to the extent Mr Bharuya is entitled to them. No other written reasons will be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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### **Recording and Transcription**

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