



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. Dinesh Venkatesen

**Respondent:** Mr. Rajan Aggarwal

**Heard at:** East London Hearing Centre

**On:** 07 January 2025

**Before:** Employment Judge Misra KC

## REPRESENTATION:

**Claimant:** in person.

**Respondent:** did not enter a Response, did not attend and was not represented.

# JUDGMENT WITH REASONS

## Reconsideration

1. The application has no reasonable prospects of success of being varied or revoked and must therefore be refused under rule 70(2) of the Employment Tribunal Procedure Rules 2024.
2. Judgment having been sent to the parties on 13 January 2025 further to a hearing on 7 January 2025 which the Claimant attended in person and which the Respondent did not attend (either in person or by a representative) having not entered a response, the Respondent subsequently requested written reasons on 16 January 2025. The Respondent has not entered any response to date, but on the basis that the procedural rules do not appear to bar a party from requesting written reasons the reasons for the judgment now follow.

3. The Claimant presented his ET1 to the Tribunal on 18 July 2024 further to a period of Early Conciliation from 9 June to 19 June 2024. The Respondent did not enter an ET3 in the prescribed form or at all and did not make any application for an extension of time in which to submit one. Further, the Respondent did not attend the hearing despite being on notice of the date, time and location of the hearing and communicating by email with the tribunal on 30 December 2024 to assert that the Claimant was self-employed in what appeared to be the only defence to the claims. The Tribunal determined that (i) reasonable steps had been taken by the Tribunal administrative function to inform the Respondent of the hearing, (ii) that there was no telephone number on record to make any further enquiries about the non-appearance at the hearing and that (iii) no reason had been given by the Respondent to suggest he wished to participate in the hearing to the extent permitted by the Tribunal if at all. The Tribunal considered it was in the interests of justice and consistent with the overriding objective to proceed to determine the claim (which was unopposed).
4. The Respondent has failed to respond to the Tribunal's request to provide an explanation as to why he did not enter a Notice of Appearance (ET3) at any time prior to the hearing or why he did not attend the hearing having been sent Notice of the Hearing. The application for reconsideration is therefore determined without any knowledge of the Respondent's position as to these matters.
5. To date the Respondent has not entered a Notice of Appearance (and an application for permission to do so out of time) and has failed to provide any sufficient basis to reconsider the judgment.

**Employment Judge E Misra KC**  
**Dated: 12 March 2025**