



EMPLOYMENT TRIBUNALS

Claimant: Mr M Carbeck

Respondent: Eros International Limited (in administration)

Held at: London South Employment Tribunals by video hearing

On: 3 March 2025

Before: Employment Judge Burge

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

It is the Judgment of the Tribunal that:

1. The Claimant's claim of constructive unfair dismissal succeeds. The Claimant was unfairly dismissed.
2. There should be an uplift of 25% for the Respondent's failure to follow the ACAS Code.
3. The Respondent is ordered to pay the Claimant the gross sum of **£84,615** (net sum £70,309).

a. The award is constituted as follows:

i. Basic award	£6852.00
ii. Compensatory award	
1. Net loss of earnings	£50,265.60
2. Loss of statutory rights	<u>£ 500.00</u>
Sub Total	£50,765.60
3. Plus ACAS uplift:	<u>£12,691.40</u>
Sub total	£63,457.00
iii. Grossed up total	£84,615.00

4. The Recoupment provisions do not apply to this award.

5. The Respondent made unauthorised deductions from wages by failing to pay the Claimant the full amount of wages due.
6. The Respondent is ordered to pay to the Claimant the sum of **£47,503.17** being the total gross sum deducted, for the following:
 - a. £15,000.00 June 2022 salary payment
 - b. £10,849.32 July 2022 salary payment
 - c. £ 7,500.00 Salary differential payments
 - d. £10,000.00 Bonus payment
 - e. £ 4,153.85 Accrued but untaken annual leave

Approved by:
Employment Judge Burge
Date: 3 March 2025

Sent to the parties on
Date: 15 April 2025

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>