



EMPLOYMENT TRIBUNALS

Claimant: Nuha Aktar
Respondent: Cupp Limited
Heard at: East London Hearing Centre (by CVP)
On: 17 June 2025
Before: Employment Judge E Searley

Representation

For the claimant: Unrepresented
For the respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is as follows:

1. The Tribunal has not received a response to the ET1. Under rule 22(2) of the Employment Tribunal Rules a determination of the claim can properly be made today on the available material.
2. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period of 1 October 2024 and 26 October 2024.
3. The respondent shall pay the claimant **£764.54**, which is the gross sum deducted (88.9 hours at £8.60 per hour). The claimant is responsible for the payment of any tax or National Insurance.
4. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.
5. The respondent shall pay the claimant **£75.47** (0.4 weeks' worth of pay at 22 hours per week at £8.60 per hour). The claimant is responsible for paying any tax or National Insurance.
6. When the proceedings began the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award equal to two weeks' pay unjust or inequitable, but there are no reasons before me as to

why it would be just and equitable to make an award of an amount equal to four week's gross pay.

7. In accordance with section 38 of the Employment Act 2022, the Respondent shall therefore pay the Claimant **£189.20** (2 weeks' pay at 22 hours per week at £8.60 per hour)
8. Pursuant to the Employment Tribunals Act 1996 Section 12A the respondent shall pay to the Secretary of State a financial penalty of **£514.61**.

REASONS

9. The respondent runs a bubble tea business, with a shop on Cranbrook Road in Ilford. That shop was managed by Mr Umair Shafiq.
10. Pursuant to an ET1 dated 4 December 2024, the claimant brought a claim of unlawful deduction of wages. This ET1 listed the respondent as Umair Shafiq.
11. Following initial consideration, the respondent's name was substituted with Cupp Limited (the name recorded on the ACAS certificate), and proceedings were served on that respondent at the address of the shop at which the claimant worked on 7 February 2025. The correspondence contained the usual information about how to respond to the claim, and the required dates for compliance. It also provided notice of today's hearing. No ET3 has been received.
12. Ninety minutes prior to the hearing, the respondent was contacted by a telephone call made to Mr Shafiq. A voicemail was left informing Mr Shafiq of the hearing. No reply to that voicemail was received.
13. Under rule 22 of the Employment Tribunal rules of procedure, I must decide whether, on the available material, a determination can be properly made of the claim. Where it can I must issue judgment accordingly. I am satisfied that, on the available material including the evidence given by the claimant before me, I could properly make a determination of the claim.
14. The claimant was employed as a bubble tea barista at the respondent's shop in Ilford. She was not provided with a written statement of her employment particulars. She worked for the respondent between 1 October 2024 and 26 October 2024. During that period, she worked 88.9 hours at a rate of pay of £8.60 per hour, averaging 22 hours per week.
15. The claimant received no pay for any of the period during which she worked. She was informed by text message from Mr Shafiq of the respondent that she would be paid between 15th and 18th of November and was asked for her details to allow payment to be made on 18 November. She provided her details. No payment was made. The claimant was told by Mr Shafiq that the respondent was clearing other employees' wages and would then deal with the claimant.

16. The claimant then repeatedly chased Mr Shafiq via text message and through communication on her behalf between her father and Mr Shafiq. No payment was made. She was given the explanation that the business was struggling. She was also told that the reason other staff hadn't been paid was because of their behaviour at work, and that this issue did not apply to her. It is clear from the correspondence that Mr Shafiq was communicating that the respondent's failure to pay the wages was a deliberate one, notwithstanding that he knew they were owing.
17. The claimant drew to my attention another tribunal case brought in relation to the same café where the respondent to the claim was Umair Mohammed Shafiq, trading as Cupp Bubble Tea. I am also aware of a judgment I recently issued in relation to the same café, where the respondent to the claim was Umair Mohammed Shafiq.
18. I find that the above breaches of the Employment Rights Act 1996 in this claim have aggravating features namely that:
 - a. the claimant repeatedly asked for payment of her wages, and Mr Shafiq on behalf of the respondent acknowledged in correspondence with the claimant that they were due. The failure to pay the wages was a deliberate act.
 - b. there have been similar claims in the Employment Tribunal brought against the individual manager of the café at which the claimant worked. There appears to be a consistent course of conduct relating to the non-payment of wages.
19. I have taken into account the respondent's means to pay: the respondent is registered as an active company with the Registrar of companies, with up-to-date accounts.

Employment Judge E Searley
Date: 18 June 2025