



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Mr Daniele Rivolta  
(2) Mr Antonino Alderuccio

**Respondent:** Plant Hub Organic Ltd

**Heard at:** East London Hearing Centre (by telephone)

**On:** 29 November 2022

**Before:** Employment Judge Townley

## Representation

**Claimants:** In person  
**Respondent:** Did not attend

# JUDGMENT

1. Mr Rivolta's claim for unfair dismissal was withdrawn today and his claim for unfair dismissal is dismissed.
2. Mr Rivolta's employment with the Respondent commenced on 1 June 2021. His employment with the Respondent was terminated on 20 January 2022. He is entitled to pursue his other claims and the Tribunal has jurisdiction to consider those claims.
3. Mr Alderuccio's employment commenced on 20 August 2018. He was employed initially by Plant Hub Limited. His employment subsequently transferred to the Respondent by virtue of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and his continuity of employment was preserved.
4. Mr Alderuccio's employment with the Respondent terminated on 20 January 2022. He had two years' continuous service and he is entitled to pursue a claim for unfair dismissal and the Tribunal has jurisdiction to consider all his claims.

# REASONS

1. The cases had been listed for a full merits hearing. The Respondent company had been dissolved on the application of the director. The application had been made after the claim had been submitted. No ET3 was located as having been filed. The dissolution became effective on 6 September 2022 (Companies House search confirmed).
2. The consequence of this is at the date of the hearing the Respondent company was not a legal entity against which the claims can be pursued. The claims can only proceed if the company is restored to the Register of Companies. The full hearing was not able to proceed in these circumstances.
3. Both Mr Rivolta and Mr Alderuccio had claims for unfair dismissal and other claims in relation to unpaid wages, holiday pay and breach of contract.
4. Mr Rivolta withdrew his claim for unfair dismissal today as he conceded that he did not have the required continuous service. He gave evidence that he had been employed by the Respondent from 1 June 2021 until his employment was terminated on 20 June 2022. Based on this evidence I dismissed the claim for unfair dismissal and I found that the tribunal had jurisdiction to hear all his other claims.
5. Mr Alderuccio gave evidence he had continuous employment, having been employed by Plant Hub Limited from 20 August 2018 and, following a subsequent transfer of undertakings, his employment was transferred to the Respondent. Based on this evidence I was able to give a judgment on that issue and I found that the Claimant had sufficient service and the Tribunal had jurisdiction to hear all his claims.
6. As the Respondent company has dissolved the proceedings were then stayed. The Claimants must inform the Tribunal if they decide to apply to have the company restored to the Register. I informed them that any application to restore the company to the Register should be made to the court and not to the Tribunal and that information on how to do this is available on the Companies House website.
7. Note that there is a third case against the same Respondent (Miss V Mendes v Planthub Organic Ltd, case number 3200869/2022 (heard on 9 September)) has also been stayed for the same reasons. Miss V Mendes' claim was originally included in the ET1 submitted by Mr Rivolta and Mr Alderuccio but Miss Mendes, having already submitted her own claim under the above case number, withdrew her claim under these proceedings and continued with her own separate claim (now stayed).

Employment Judge Townley  
Date: 29 November 2022