

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2023] NZEmpC 155
EMPC 275/2023**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for a stay of execution

BETWEEN E TŪ INCORPORATED
Plaintiff

AND SHER SINGH
Defendant

Hearing: On the papers

Appearances: S Mitchell KC, counsel for plaintiff
D Fleming, counsel for defendant

Judgment: 18 September 2023

**CONSENT JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS
(Application for stay of execution)**

[1] The plaintiff has challenged a determination of the Employment Relations Authority dated 19 July 2023.¹ In its determination the Authority ordered the plaintiff to pay the defendant the sum of \$18,700 pursuant to s 123(1)(c)(i) of the Employment Relations Act 2000, and \$20,000 by way of lost remuneration. The Authority subsequently ordered the sum of \$3,000 costs against the plaintiff.

[2] The parties have filed a joint memorandum seeking a stay of execution on a conditional basis, namely that the sums ordered against the plaintiff by the Authority

¹ *Singh v E Tū Inc* [2023] NZERA 384 (Member van Keulen).

be paid into Court pending the outcome of the challenge. I am satisfied that it is appropriate to make the orders sought.

[3] Accordingly, by consent, I make an order staying execution of the determinations of the Employment Relations Authority on the following conditions:

- (a) Within a period of 14 days from the date of this judgment the plaintiff will deposit the sum of \$41,700 into the Employment Court;
- (b) The monies referred to in [3](a) will be held in an interest-bearing account and will be paid out on further order of a Judge of the Employment Court or on receipt by the Court of a joint memorandum signed by both parties' representatives;
- (c) The plaintiff's challenge is to be pursued diligently.

[3] No issue of costs arises on this application.

Christina Inglis
Chief Judge

Judgment signed at 11.00 am on 18 September 2023