

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 7
ARC 41/12**

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

BETWEEN SUNIL KUMAR BALI
Plaintiff

AND SRG HOLDINGS LIMITED TRADING
AS SUPER VALUE
Defendant

ARC 78/12

BETWEEN SUNIL KUMAR BALI
Plaintiff

AND SRG HOLDINGS LIMITED TRADING
AS SUPERVALUE
First Defendant

AND NZ LIQUOR MERCHANTS LIMITED
TRADING AS SUPER LIQUOR
Second Defendant

Hearing: Following memoranda filed by the defendants on 16 December
2013, extension sought by defendants on 29 January 2014 and
memorandum in reply from the plaintiff on 30 January 2014

Appearances: Mr S Bali, in person supported by Mr V Koli
Mr M Kyne, advocate for defendants

Judgment: 5 February 2014

COSTS JUDGMENT NO 1 OF JUDGE M E PERKINS

[1] On 29 November 2013 I issued a judgment¹ in these matters which relates to challenges from determinations of the Employment Relations Authority² in respect of applications for compliance orders. Mr Bali was unsuccessful in his challenges. I gave the defendant 14 days in which to file a memorandum of submissions in respect of any application for costs.

[2] The defendants' memorandum was filed by their advocate three days or one working day outside the 14 day period allowed in my judgment. The application for costs, which was included in a memorandum, was filed on Monday 16 December 2013, whereas to meet the 14 day period specified in the judgment it should have been filed on Friday 13 December 2013. The defendants now seek an extension of time to cover the delay. Mr Bali opposes the granting of such extension of time.

[3] Mr Bali has filed a memorandum in answer to the application for the extension of time. While in his memorandum he has retraversed a number of matters raised at the substantive hearing, he does not disclose any prejudice occasioned to him as a result of the memorandum as to costs being filed late. He could not, in any event, argue such prejudice. Indeed insofar as his own reply to the issue of costs was concerned, I indicated in the judgment that flexibility would be allowed to him in view of the pending holiday break.

[4] The extension of time is granted to the defendants. While Mr Bali has raised a number of matters in his memorandum in reply, he has not dealt specifically with the issues raised by the defendants in support of their application for costs. Mr Bali should be given the opportunity of doing so, and he is now allowed a further 7 days in which to file a memorandum specifically answering those issues. Once the further memorandum is received from Mr Bali the Court will issue a second and final judgment on costs.

M E Perkins
Judge

Judgment signed at 9am on 5 February 2014

¹ [2013] NZEmpC 221.

² [2012] NZERA Auckland 195.

