

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**[2012] NZEmpC 212  
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 T/A  
SUPERVALUE  
Defendant

**ARC 78/12**

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

BETWEEN SUNIL KUMAR BALI  
Plaintiff

AND SRG HOLDINGS LTD T/A  
SUPERVALUE  
First Defendant

AND NZ LIQUOR MERCHANTS LTD T/A  
SUPER LIQUOR  
Second Defendant

Hearing: On the papers

Counsel: Sione Fonua, counsel for plaintiff  
Mike Kyne, advocate for defendants

Judgment: 11 December 2012

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**INTERLOCUTORY JUDGMENT OF JUDGE B S TRAVIS**

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[1] In ARC 41/12 the parties are dealing with a challenge to a determination of the Employment Relations Authority issued on 7 June 2012.<sup>1</sup> It became clear at the directions conference in relation to that challenge that the plaintiff, Mr Bali, was complaining about events that took place subsequent to that determination and which also involved another company which, it is alleged, was to provide Mr Bali with an offer of employment as part of the settlement of Mr Bali's claim against SRG Holdings Ltd. These matters were referred to in a minute I issued following the directions conference held on 15 August 2012.

[2] Mr Bali subsequently brought his new issue before the Employment Relations Authority contending that SRG Holdings Ltd and NZ Liquor Merchants Ltd had not complied with the terms of a settlement agreement. The proceedings in ARC 78/12 are a challenge to the Authority's determination issued on 16 October 2012<sup>2</sup>. Counsel for the plaintiff informally requested that the challenge under ARC 78/12 be joined with ARC 41/12. I issued a minute on 14 November noting that there was a clear logic in such joinder but inviting the defendants in ARC 78/12 to advise when filing their statement of defence whether or not the application for joinder was opposed. I indicated that if the application for joinder was unopposed it would be granted.

[3] Mr Kyne, the advocate for both defendants in ARC 78/12 has advised that the application for joinder was agreed to by the defendants. The application is accordingly granted. Both matters arise out of the settlement agreement and it is proper that they be heard together.

[4] The matter can now proceed to a directions conference at which issues as to how the Court should deal with the defendants' protest as to jurisdiction can be dealt with.

B S Travis  
Judge

Judgment signed at 3.30pm on 11 December 2012

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<sup>1</sup> [2012] NZERA Auckland 195.

<sup>2</sup> [2012] NZERA Auckland 369.