

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

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

**[2023] NZEmpC 172  
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
Reissued:	4 October 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.<sup>1</sup> 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 \$32,270.56 by way of lost remuneration.<sup>2</sup> The Authority subsequently ordered the sum of \$5,000 costs against the plaintiff.<sup>3</sup>

---

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

<sup>2</sup> At [126].

<sup>3</sup> *Singh v E Tū Inc* [2023] NZERA 492 (Member van Keulen).

[2] The parties have filed a joint memorandum seeking a stay of execution on a conditional basis. 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 \$44,827.54 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 re-signed at 1.15 pm on 4 October 2023