

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

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

**[2023] NZEmpC 32
EMPC 87/2020
EMPC 365/2020
EMPC 339/2020**

IN THE MATTER OF an application for the exercise of powers
under sections 142B, 142E, 142J, 142M,
142W and 142X of the Employment
Relations Act 2000

AND IN THE MATTER OF proceedings removed from the Employment
Relations Authority

AND IN THE MATTER OF an application for a freezing order

AND IN THE MATTER OF an application for costs

BETWEEN A LABOUR INSPECTOR OF THE
MINISTRY OF BUSINESS, INNOVATION
AND EMPLOYMENT
Plaintiff

AND SAMRA HOLDINGS LIMITED T/A TE
PUNA LIQUOR CENTRE
First Defendant

AND SAMRA ENTERPRISES LIMITED T/A
GREERTON LIQUOR CENTRE
Second Defendant

AND SAMRA BROTHERS LIMITED
PREVIOUSLY T/A PAEROA LIQUOR
CENTRE
Third Defendant

AND AKAL HOLDINGS LIMITED T/A
CHERRYWOOD LIQUOR CENTRE
Fourth Defendant

AND SUKHDEV SINGH
Sixth Defendant

Hearing: On the papers

Appearances: TM Gray, counsel for plaintiff
SS Sharma, counsel for defendants

Judgment: 1 March 2023

CONSENT COSTS JUDGMENT OF JUDGE KATHRYN BECK

[1] Further to the Court's direction at [262] of its judgment issued on 15 December 2022, the parties reached agreement as to the appropriate contribution to costs and disbursements payable by the defendants to the plaintiff.¹

[2] The plaintiff did not seek orders from the Court at that time as it was anticipated that the amounts would be paid in full without the need for judicial intervention. The plaintiff sought leave to file an application (by way of memorandum) by 28 February 2023 in the event that the agreed costs contribution was not received as anticipated.

[3] By joint memorandum dated 24 February 2023, the parties' counsel informed the Court that an issue of delay had arisen and sought orders in relation to the agreement reached.

[4] In the interests of ensuring prompt payment of the agreed costs, I make the following orders by consent:

- (a) As the controlling mind of the defendants, costs and disbursements payable to the plaintiff by the first to fourth and sixth defendants are to be apportioned entirely to the sixth defendant.
- (b) The sixth defendant is to pay the plaintiff costs and disbursements in the sum of \$91,341.14.

¹ *Labour Inspector v Samra Holdings Ltd t/a Te Puna Liquor Centre* [2022] NZEmpC 234.

- (c) A Certificate of judgments is to be prepared, sealed and sent to the parties in relation both to the substantive judgment of 15 December 2022, and the order of costs set out above.

Kathryn Beck
Judge

Judgment signed at 3 pm on 1 March 2023