

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA27/2021
[2021] NZCA 493**

BETWEEN **DHARMENDRA MAHETA**
Applicant

AND **SKYBUS NEW ZEALAND LIMITED**
(FORMERLY AIRBUS EXPRESS
LIMITED)
Respondent

Court: Clifford and Courtney JJ

Counsel: L M Hansen for Applicant
S M Laphorne for Respondent

Judgment: 28 September 2021 at 10.30 am
(On the papers)

JUDGMENT OF THE COURT

- A The application for an extension of time is granted.**
- B The application for leave to appeal is granted.**
- C The approved questions are:**
- (a) Did the Employment Court err in holding it had no jurisdiction to order a stay of the Employment Relations Authority’s costs determination, as Mr Maheta had applied for?**
- (b) Did the Employment Court err in awarding security for costs to the respondent on the basis that Mr Maheta was not in receipt of legal aid?**
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REASONS OF THE COURT

(Given by Clifford J)

[1] The applicant, Mr Maheta, is granted an extension of time to file the application for leave to appeal.¹

[2] Leave to appeal is granted on the following two questions of law:²

- (a) Did the Employment Court err in holding it had no jurisdiction to order a stay of the Employment Relations Authority's costs determination, as Mr Maheta had applied for?
- (b) Did the Employment Court err in awarding security for costs to the respondent on the basis that Mr Maheta was not in receipt of legal aid?

Solicitors:
Kiely Thompson Caisley, Auckland for Respondent

¹ Court of Appeal (Civil) Rules 2005, r 29A.

² Employment Relations Act 2000, s 214.