

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

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

**[2025] NZEmpC 67
EMPC 136/2025**

IN THE MATTER OF an application pursuant to s 138(6) for orders
under s 140(6)

AND IN THE MATTER OF an application for urgency

BETWEEN YADWINDER SINGH
Plaintiff

AND BIMLESH CHAND
Defendant

Hearing: 1 April 2025

Appearances: J Plunket, counsel for plaintiff
No appearance for defendant

Judgment: 3 April 2025

**INTERLOCUTORY JUDGMENT OF JUDGE J C HOLDEN
(Application for urgency)**

[1] Yadwinder Singh has filed a claim in the Employment Court seeking sanctions pursuant to s 140(6) of the Employment Relations Act 2000 in respect of Bimlesh Chand's failure to comply with orders made by the Employment Relations Authority.¹

[2] Mr Singh has applied for urgency and for an order abridging the time for which Mr Chand has to file his statement of defence to 14 clear days. This judgment resolves that application.

¹ *Singh v Chand* [2024] NZERA 398; and *Singh v Chand* [2025] NZERA 26.

[3] By minute dated 27 March 2025 I said Mr Chand was to file and serve any response to the application for urgency within four clear days from the date of service. The statement of claim, application for urgency, and minute were served on Mr Chand on 27 March 2025. The Court has not received anything from Mr Chand. However, Mr Plunket, counsel for Mr Singh, advised that Mr Chand called him shortly after being served. Mr Plunket encouraged Mr Chand to obtain legal advice.

[4] I heard from Mr Plunket in respect of the application for urgency on 1 April 2025.

[5] He submitted that urgency was appropriate given that Mr Chand had ignored or flouted the orders of the Authority, and it is in the interests of justice that such matters are dealt with by the Court promptly.²

[6] While I acknowledge the position of Mr Singh, and his desire to have these proceedings dealt with as promptly as possible, this is not a matter to which urgency inherently applies. There is, for example, no imminent or immediate prior event that brings the plaintiff to the Court.³ I see no basis for these proceedings to be given priority over other matters before the Court. Further, abridging the time within which Mr Singh may file his statement of defence gives him less time to obtain legal advice, which would be useful.

[7] Accordingly, no order for urgency is made. The defendant is to file and serve his statement of defence by **28 April 2025**, reflecting that the expiry of 30 days from service falls on the preceding weekend.

² *Edwards v Wright T/A United Industries* AEC97/95, 25 September 1995.

³ For example, a proposed strike or lockout, or dismissal where interim reinstatement is sought.

[8] The registry should arrange a directions conference as soon as practicable after that date to progress this matter.

J C Holden
Judge

Judgment signed at 3.15 pm on 3 April 2025