

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

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

**[2026] NZEmpC 7  
EMPC 572/2025**

IN THE MATTER OF an application under s 140(6) of the  
Employment Relations Act 2000

AND IN THE MATTER OF an application for substituted service

BETWEEN MANJEET SINGH  
Plaintiff

AND VIMAL SHARMA  
Defendant

Hearing: On the papers

Appearances: S Lass, advocate for plaintiff  
No appearance for the defendant

Judgment: 21 January 2026

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

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[1] Manjeet Singh has filed proceedings in the Employment Court seeking orders under s 140(6) of the Employment Relations Act 2000 in respect of alleged non-compliance with a compliance order made by the Employment Relations Authority on 1 October 2025.<sup>1</sup>

[2] Mr Singh's advocate, Ms Lass, has attempted to serve Vimal Sharma with the proceedings at his last known residential address.

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<sup>1</sup> *Singh v Control Plus Ltd (in rec and in liq)* [2025] NZERA 615.

[3] He no longer lives there, and despite efforts made Ms Lass has not been able to serve him at an alternative physical address. However, she has been in contact with Mr Sharma by text, and he advised her to send the legal proceedings to two email addresses, being his own email address and the email address of a lawyer acting for him.

[4] Ms Lass attended to that and, on 8 December 2025, Mr Sharma confirmed to her that he had received the documents, advised that his lawyer had been away and he could not get hold of him, and said that he would get back to Ms Lass as soon as possible.

[5] There has been no further communication from Mr Sharma.

[6] On that basis, Mr Singh has applied for an order for substituted service, specifically that:

- (a) substituted service be approved by email to the addresses provided by Mr Sharma; and
- (b) service is deemed effective on 8 December 2025, being the date Mr Sharma confirmed receipt of the documents, or on such other date as the Court may direct.

### **The Court may order substituted service**

[7] The Employment Court may order substituted service under reg 28(2)(a)(iv) of the Employment Court Regulations 2000.

[8] I am satisfied that it is appropriate for an order to be made. I have reached that view on the basis that reasonable steps were taken to serve Mr Sharma personally, Mr Sharma clearly is aware of the proceedings and, indeed, has requested the documents be provided by email to the email addresses identified. Accordingly, it is in the interests of justice for an order for substituted service to be made.

[9] I order that:

- (a) the provision of the Court proceedings by email to the two email addresses supplied by Mr Sharma constituted service for the purposes of these proceedings;
- (b) the date of service is 8 December 2025, consistent with the confirmation received from Mr Sharma;
- (c) any statement of defence from Mr Sharma is to be filed and served no later than 4.00 pm on 17 February 2026.
- (d) Mr Singh or his representative is to provide a copy of this judgment to Mr Sharma by email to the email addresses previously supplied as soon as practicable.

[10] Costs are reserved.

J C Holden  
Judge

Judgment signed at 11.30 am on 21 January 2026