

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 70/2023
[2023] NZSC 129

BETWEEN TARAHAU FARMING LIMITED
Applicant

AND SHEARING SERVICES KAMUPENE
LIMITED (IN LIQUIDATION)
Respondent

Court: Glazebrook, O'Regan and Kós JJ

Counsel: Applicant in person
G A D Neil and R M G Hindriksen for Respondent

Judgment: 27 September 2023

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B The applicant must pay the respondent costs of \$2,500.

REASONS

[1] A declaration made in the High Court to the effect that the applicant had validly been placed in voluntary administration under the Companies Act 1993¹ was subsequently overturned by the Court of Appeal (which declared that it had not).² The applicant, which is judgment debtor to the respondent, seeks leave to appeal to this Court.

¹ *Shearing Services Kamupene Ltd (in liq) v Tarahau Farming Ltd* [2021] NZHC 2376 (Whata J).

² *Shearing Services Kamupene Ltd (in liq) v Tarahau Farming Ltd* [2023] NZCA 196 (Cooper P, Gilbert and Courtney JJ).

[2] The sole issue before the Court of Appeal was whether the applicant had validly been placed in voluntary administration under the Companies Act. And that would also be the sole issue before us on any appeal from that decision.

[3] Although the applicant was not formally represented, detailed submissions were filed by one of its directors. We have read those. They acknowledge that:

The Court of Appeal was correct in ruling that the voluntary administration of [Tarahau Farming Ltd] was not pursuant to the Companies Act 1993. The [applicant] clearly stated in the High Court that the notice for voluntary administration was under the Tikanga Regulations of Ngatimoerewa Maori Incorporation.

[4] It follows there is no contest on the sole issue that might be addressed on appeal. While the applicant would wish to argue that a voluntary administration pursuant to tikanga should be recognised by New Zealand law, that issue does not arise in this Court given the narrow issue before the Court of Appeal.

[5] Accordingly, it is not necessary in the interests of justice for this Court to hear and determine the proposed appeal.³

Result

[6] The application for leave to appeal is dismissed.

[7] The applicant must pay the respondent costs of \$2,500.

Solicitors:
Meredith Connell, Auckland for Respondent

³ Senior Courts Act 2016, s 74(1).