

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 65/2008  
[2008] NZSC 109**

BETWEEN                      VECTOR GAS LIMITED  
   Appellant

AND                              BAY OF PLENTY ENERGY LIMITED  
   Respondent

Court:                      Blanchard, Tipping and Wilson JJ

Counsel:                  J E Hodder SC and K E Hadfield for Appellant  
   H N McIntosh and T G Smith for Respondent

Judgment:                11 December 2008

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**JUDGMENT OF THE COURT**

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- A        The appellant’s application for leave to appeal is granted.**
- B        The approved ground of appeal is whether the Court of Appeal was correct to reverse the High Court’s interpretation of what the sum of \$6.50 related to in the contract between the parties.**
- C        The respondent’s application for leave to cross appeal is refused.**

## **REASONS**

[1] The proposed cross appeal concerns the validity of the appellant's termination of the contract. It is unrelated to the appeal. Both the High Court and the Court of Appeal considered that the termination was valid. We do not consider it reasonably arguable that this conclusion was wrong. Furthermore, the issue is confined to the particular contract and does not raise any issue of wider significance. Hence it is not in the interests of justice, in terms of s 13 of the Supreme Court Act 2003, that leave be granted to argue this point on cross appeal.

Solicitors:  
Chapman Tripp, Wellington for Appellant  
Russell McVeagh, Wellington for Respondent