

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CIV-2020-404-572
[2020] NZHC 780**

BETWEEN THE FLETCHER CONSTRUCTION
COMPANY LIMITED
Applicant

AND SPOTLESS FACILITY SERVICES (NZ)
LIMITED
Respondent

Hearing: 17 April 2020

Appearances: A M Callinan for Applicant
S C Price, J K Stewart and R A Donald for Respondent

Judgment: 21 April 2020

RESULTS JUDGMENT OF PETERS J

This judgment was delivered by Justice Peters on 21 April 2020 at 4 pm
pursuant to r 11.5 of the High Court Rules

Registrar/Deputy Registrar

Date:

Solicitors: Simpson Grierson, Auckland
MinterEllisonRuddWatts, Auckland

[1] On 17 April 2020, I heard the applicant's ("FCC") application for interim relief of 16 April 2020 ("application"), on a *Pickwick* basis. The respondent ("Spotless") was heard, but on very short notice.

[2] This is a results judgment. My reasons will follow shortly.

[3] Pending further order of the Court, pursuant to s 24A(2)(e) Construction Contracts Act 2002, I order Spotless to lift its suspension on notification to Spotless that FCC has deposited the amount of payment claim 44 (\$2,067,715.86 excluding GST) with a stakeholder, to be held on interest bearing deposit, and to be disbursed in accordance with further order of the Court.¹

[4] I reserve leave to apply.

Peters J

¹ Counsel advise me Bell Gully is the agreed stakeholder.