

IN THE SUPREME COURT OF NEW ZEALAND

SC 104/2015  
[2015] NZSC 180

BETWEEN GREENSHELL NEW ZEALAND  
LIMITED (IN RECEIVERSHIP)  
Applicant

AND KENNEDY BAY MUSSEL COMPANY  
(NZ) LIMITED  
Respondent

Court: Elias CJ, William Young and O'Regan JJ

Counsel: D R Kalderimis and K E Yesberg for Applicant  
B A Fletcher and D P Neild for Respondent

Judgment: 24 November 2015

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**JUDGMENT OF THE COURT**

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- A** Leave to appeal is granted (*Greenshell New Zealand Ltd (In Receivership) v Kennedy Bay Mussel Company (NZ) Ltd* [2015] NZCA 374).
- B** Leave to cross-appeal is also granted.
- C** The approved grounds are:
- (i) Was the Court of Appeal correct to find there was jurisdiction to grant the applicant relief against forfeiture of its rights under the deed of lease and deed of sub-licence?
  - (ii) If so, did the Court of Appeal err in declining to grant such relief?
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Solicitors:  
Chapman Tripp, Wellington for Applicant  
Gascoigne Wicks, Blenheim for Respondent