

BETWEEN

ABI

APPLICANT

AND

ZYU Ltd (in liquidation)

RESPONDENT

Date of Order:

20 September 2010

Referee:

Referee Benson

ORDER OF THE DISPUTES TRIBUNAL

The Tribunal hereby orders that the claim against ZYU Ltd (in liquidation) is dismissed.

[1] The hearing on 20 September 2010 was attended by ABI and KL, who was a director of ZYU Ltd (in liquidation).

[2] ABI claimed a refund of the price for a couch purchased from ZYU Ltd.

[3] However, KL advised that the company went into liquidation on 27 May 2010, which was after the purchase of furniture by ABI in issue in this case.

[4] The effect of liquidation was that any legal proceedings could not be commenced or continued without the agreement of the liquidator or an order of the High Court (s 248(1)(c) of the Companies Act 1993). There was no evidence of such an agreement, so the claim was dismissed.

[5] KL had recently formed a new company (PU Ltd) which was carrying on a similar business (furniture sales). KL offered a store credit with the new business, which ABI accepted.