

**In the High Court of New Zealand  
Auckland Registry**

**I Te Kōti Matua O Aotearoa  
Tāmaki Makaurau Rohe**

**CIV-2019-404-2445**

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Under Part 19 of the High Court Rules and sections 239F, 239ACD, 280 and 286 of the Companies Act 1993

In the matter of an application pursuant to sections 239F, 239ACD, 280 and 286 of the Companies Act 1993 for an order that Mitchell Wayne Mansfield and Jason Aleksander Kardachi not be disqualified from appointment as administrators, deed administrators or liquidators of Tamarind Taranaki Limited

and in the matter of **Tamarind Taranaki Limited**, an incorporated company having its registered office at Level 6, 54 Gill Street, New Plymouth, 4310

In the matter of an application by **Mitchell Wayne Mansfield** of the Cayman Islands and **Jason Aleksander Kardachi** of Singapore, chartered accountants and insolvency practitioners

Applicants

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**Orders as to qualification of administrators**

Date: 6 November 2019

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## Orders as to qualification of administrators

To: **Mitchell Wayne Mansfield** and **Jason Aleksander Kardachi**.



- 1 The originating application made by **Mitchell Wayne Mansfield** of the Cayman Islands and **Jason Aleksander Kardachi** of Singapore, both chartered accountants and accredited insolvency practitioners, on 5 November 2019, was determined by The Honourable Justice Jagose on ~~5~~<sup>6</sup> November 2019.
- 2 The determination was made without a hearing.
- 3 The following orders were made:
  - a the application be permitted to be made by way of an originating application;
  - b notwithstanding s239F(2), ss280(1)(ca) and ss280(1)(cb) of the Companies Act 1993 (**Act**), **Mitchell Wayne Mansfield** and **Jason Aleksander Kardachi** of Borelli Walsh (**Proposed Administrators**) may be appointed as joint and several administrators of Tamarind Taranaki Limited (**Tamarind**);
  - c notwithstanding s239ACD(2), ss280(1)(ca) and ss280(1)(cb) of the Act, the Proposed Administrators may be appointed as joint and several deed administrators or liquidators of Tamarind, if appointed as such at a watershed meeting of creditors in the voluntary administration of Tamarind;
  - d in the event that the Proposed Administrators are appointed as administrators of Tamarind, then:
    - i this application be adjourned to a date convenient to the Court;
    - ii a copy of this application and orders of the Court be served on all known creditors of Tamarind notified of the first meeting of creditors in Tamarind's voluntary administration pursuant to s239AO(1)(a) of the Act, at the same time and in the same manner as notice under s239AO is given by the administrators to those creditors, with a copy of this application and the Court's orders also to be posted on Borelli Walsh's website;
    - iii the administrators' notice to creditors under s239AO(1)(a) of the Act shall include advice to creditors of the next mention date of this application, and advice that, if they wish to challenge the interim orders




made, they are entitled to do so by filing and serving a notice of opposition within 10 working days of service of the Court's orders to set aside the Proposed Administrators' appointment as administrators of Tamarind; and

iv the creditors of Tamarind shall have leave to apply to the Court within 10 working days of service of the Court's orders to set aside the Proposed Administrators' appointment as administrators of Tamarind; and

e the Proposed Administrators' solicitor-client costs and disbursements of this application are to be an expense incurred by the Proposed Administrators in carrying out their duties as administrators of Tamarind.



<sup>6</sup>  
Date: 6 November 2019

  
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(Deputy) Registrar

JOTI SINGH  
Deputy Registrar  
High Court  
Auckland

