

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRTY FIRST DAY OF MARCH,
TWO THOUSAND AND TWENTY SIX

:PRESENT:
HONOURABLE SMT JUSTICE V.SUJATHA
IA No. 1 OF 2026

IN
COMS NO: 8 OF 2026



Between:

WALTER CUMMINS SHIPPING SERVICES, A Sole Proprietor Concern, having its Office at Flat No.203, 1st Floor, KBS Plaza, Near MRO Office, Sri Sai Nagar, Muthukur, Andhra Pradesh, Rep. by its Proprietor, Reegesh V.R., aged about 42 years, through his Power of Attorney Holder, Mr. Madala Srinivas.

...Plaintiff

AND

1. M.T.FUJI CHEM (IMO 1126930), a motor vessel flying the flag of St. Kitts and Nevis, along with her hull, tackle, boats, equipment, appurtenances, machinery and all other paraphernalia, and her owner and all other persons concerned and/or interested in her, presently in the port and anchorage of Krishnapatnam, within the territorial waters over which this Hon'ble Court exercises jurisdiction, C/o. SMES Corporation Ltd., having its office at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro - Republic of Marshall Islands MH 96960.
2. Adani Krishnapatnam Ports Ltd., A company incorporated under Indian laws and having its office at Muthukur Mandal, S.P.S.R. Nellore, Andhra Pradesh.
3. Shanti Sagar International Dredging Ltd., A company incorporated under Indian laws and having its office at Adani Krishnapatnam Port Ltd., Krishnapatnam Port, Krishnapatnam.

...Respondents

Counsel for the Petitioner/Plaintiff : Sri Sai Sanjay Suraneni

Counsel for the Respondent : - - -

Petition under Order 39 Rule 1 & 2 r/w 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased praying that pending hearing and disposal of the suit, the Defendant No.1 Vessel, M.T.FUJI CHEM (IMO 1126930) a motor vessel flying the flag of St. Kitts and Nevis along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the port and harbour of Krishnapatnam, be arrested and detained under the orders of this Hon'ble Court and/or be restrained from sailing out of the port and harbour of Krishnapatnam, till security towards the Plaintiffs claim of INR 3,18,95,297.33 (Rupees Three Crore Eighteen Lakh Ninety Five Thousand Two Hundred and Ninety Seven and Thirty Three Paisa) in the suit/other appropriate proceeding is furnished, pending disposal of COMS No. 8 of 2026, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“1) This interlocutory application is filed by the petitioner/plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, by invoking the admiralty jurisdiction of this Court under Section 5(1)(a) read with Section 4(1)(h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, to arrest and detain the respondent No.1/defendant No.1 - “M.T. Fuji Chem (IMO 1126930), a motor vessel, currently at Krishnapatnam Port, flying the flag of St.Kitts and Nevis, along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, till security towards Plaintiff’s claim of INR 3,18,95,297.33 (Rupees Three Crore Eighteen

Lakh Ninety Five Thousand Two Hundred and Ninety Seven and Thirty Three Paise) in the suit is furnished.

2) The petitioner/plaintiff is a sole proprietorship concern and engaged in the business of offering agency services to vessels visiting certain ports in India. On 22.12.2025, the owners of defendant No.1 Vessel, through their commercial manager, appointed the plaintiff as the vessel agent for the defendant No.1 Vessel's upcoming visit to Krishnapatnam Port. Accordingly, the plaintiff undertook the necessary formalities with defendant No.2 in respect of the vessel's visit. Defendant No.2 managed the port, accordingly on 05.01.2026 at 10.30 hours the vessel arrived at the port. On 08.01.2026, the Mercantile Marine Department, in the course of a routine inspection found certain deficiencies in the vessel and issued an order of detention of defendant No.1 vessel. On 17.01.2026, the Flag State issued its inspection report. On the same day i.e. on 17.01.2026, the owners also issued an indemnity/undertaking to defendant No.2 guaranteeing to pay on demand all port charges, vessel related expenses or any additional charges during the vessel's port stay. There is some dispute between Owners and defendant No.2 on the quantum of the charges. It appears to be the Owners' stand that its request for shifting the vessel from berth to anchorage was unjustifiably denied and that this has resulted in inflated port dues being levied. Further, it is contended by the owners that the vessel was shifted multiple times between berths, for the port's convenience, for which dues, the plaintiff is no way concerned. There was exchange of e-mails between the plaintiff and defendants. Several meetings were held between the owners, the plaintiff and defendant No.2, but of no avail. As of 26.03.2026, the port dues demanded are as follows:

- (1) INR 2,45,95,594.00 by defendant No.2, and
- (2) INR 91,75,677.00 by defendant No.3.

3) The grievance of the plaintiff in the present suit is that this amount will continue to increase by INR 30,955.57 on a daily basis, being the daily anchorage charge applicable to the vessel. Out of these amounts, an amount of INR 45,84,593 has been paid by the owners (through the plaintiff), leaving an amount of INR 2,91,85,708 payable to defendant Nos.2 and 3. Defendant No.2, in addition to calling the owners to make payment, also demanding payment from the plaintiff.

4) Further, it is the case of the plaintiff that even if the plaintiff is appointed as the agent for a vessel call, there is a grave risk that defendant No.2 would appropriate the amount paid by the plaintiff towards the vessel's call to the alleged outstanding in relation to defendant No.1 vessel, thereby affecting the third party. The plaintiff has been put in this position for no fault of its own. In addition to the port dues, the plaintiff is also entitled to payment of its agency fee of INR 20,08,589.33 ps., as per the proforma DA raised by the plaintiff on defendant No.1's managers for services rendered. Insofar as defendant No.1 is concerned, the plaintiff is entitled to its agency charges of INR 20,08,589.33 ps., and the plaintiff is exposed to a claim of INR 2,91,86,708 from defendant Nos.2 and 3 on account of default committed by the owners of defendant Nos.1, who is the plaintiff's principal.

5) Learned counsel for the plaintiff – petitioner contended that the owners of defendant No.1 are not residing and do not carry-on any business within the territorial jurisdiction of this Court, and they have no movable or immovable properties within the territorial jurisdiction of this Court. Defendant No.1 vessel is the only asset within jurisdiction of this Court available to the plaintiff for satisfaction of its maritime claim. If the vessel sails out of jurisdiction of this Court, the plaintiff's maritime claim become unenforceable and the present suit will be rendered infructuous. Therefore, there is urgency to arrest and detain the 1st defendant vessel.

6) Learned counsel for the petitioner/plaintiff gave an undertaking in writing (Paragraph No.45 of the plaint) to pay such sums by way of

damages as this Court may award as compensation in the event of the 1st defendant vessel sustaining any prejudice by this order.

7) The presence of the 1st defendant Vessel within the jurisdiction of this Court, *prima facie*, shows tenability of the claim of the petitioner/plaintiff to invoke maritime jurisdiction.

8) Ordering the 1st respondent/1st defendant vessel to furnish security with an alternative to arrest and detain the Vessel would preserve the right of the petitioner/plaintiff and the same would show the balance of convenience in favour of the petitioner/plaintiff. In the event of vessel of the 1st defendant departing from the territorial waters jurisdiction of this Court, the petitioner/plaintiff will suffer loss. Therefore, all the necessary ingredients for granting ad-interim temporary orders for a limited period found present. Hence, the prayer of the petitioner/plaintiff in that regard is found justified.

9) For the reasons stated above:

(a) there shall be arrest of the 1st defendant vessel (M.T.FUJI CHEM (IMO 1126930), a motor vessel flying the flag of St.Kitts and Nevis along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the Port and Harbour of Kishnapatnam, within the territorial waters jurisdiction of this Court, in the event of 1st defendant failure to furnish security for INR 3,18,95,297.33 (Rupees Three Crore Eighteen Lakh Ninety Five Thousand Two Hundred and Ninety Seven and Thirty Three Paisa), in the form of a bank guarantee within twenty four (24) hours of the service of the arrest warrant, to the satisfaction of the Principal District Judge, Nellore.

(b) the Principal District Judge, Nellore will extend required assistance by deputing necessary staff for the above purpose.

(c) the 2nd defendant authority shall provide access and necessary assistance for implementation of the orders.

(d) Warrant will be returned as early as possible with a detailed report, preferably on or before 08.04.2026, stating the manner in which it has been executed.

(e) the plaintiff shall take personal notice to defendants through Speed Post/e-mail and personal notice is also permitted;

(f) the plaintiff shall transmit all copies of the present proceedings both main suit and the Interlocutory application to the defendants through Speed Post and also e-mail, within twenty four (24) hours.”

//TRUE COPY//

SD/- V.SATYANARAYANA
JOINT REGISTRAR
SECTION OFFICER

To,

1. **The Registrar (Judicial)**, High Court of Andhra Pradesh at Amaravati.
2. The Principal District Judge, Nellore. **(By Speed Post-** along with a copy of petition and affidavit)
3. M.T.FUJI CHEM (IMO 1126930), a motor vessel flying the flag of St. Kitts and Nevis, along with her hull, tackle, boats, equipment, appurtenances, machinery and all other paraphernalia, and her owner and all other persons concerned and/or interested in her, presently in the port and anchorage of Krishnapatnam, within the territorial waters over which this Hon'ble Court exercises jurisdiction, C/o. SMES Corporation Ltd., having its office at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro - Republic of Marshall Islands MH 96960. **(By Speed Post)**
4. The Port Officer, Adani Krishnapatnam Ports Ltd., A company incorporated under Indian laws and having its office at Muthukur Mandal, S.P.S.R. Nellore, Andhra Pradesh. **(By Speed Post - along with a copy of petition and affidavit)**

5. One CC to Sri Sai Sanjay Suraneni, Advocate [OPUC]
6. The Section Officer, O.S. Section, High Court of Andhra Pradesh, Amaravati
7. One spare copy

PSD

HIGH COURT

VS,J

DATE:31/03/2026

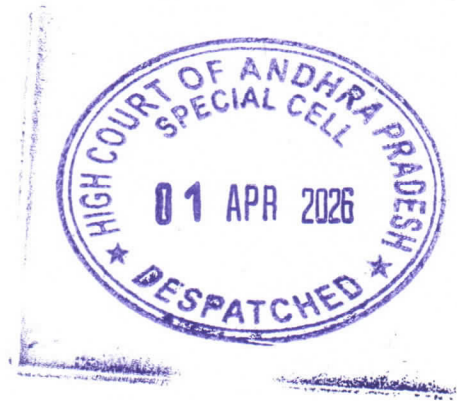
POST THIS MATTER ON 08.04.2026

ORDER

I.A.NO.1 OF 2026

IN

COMS.No.8 of 2026



DIRECTION

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRTY FIRST DAY OF MARCH,
TWO THOUSAND AND TWENTY SIX

:PRESENT:
HONOURABLE SMT JUSTICE V.SUJATHA
IA No. 1 OF 2026
IN
COMS NO: 8 OF 2026



Between:

WALTER CUMMINS SHIPPING SERVICES, A Sole Proprietor Concern, having its Office at Flat No.203, 1st Floor, KBS Plaza, Near MRO Office, Sri Sai Nagar, Muthukur, Andhra Pradesh, Rep. by its Proprietor, Reegesh V.R., aged about 42 years, through his Power of Attorney Holder, Mr. Madala Srinivas.

...Plaintiff

AND

1. M.T.FUJI CHEM (IMO 1126930), a motor vessel flying the flag of St. Kitts and Nevis, along with her hull, tackle, boats, equipment, appurtenances, machinery and all other paraphernalia, and her owner and all other persons concerned and/or interested in her, presently in the port and anchorage of Krishnapatnam, within the territorial waters over which this Hon'ble Court exercises jurisdiction, C/o. SMES Corporation Ltd., having its office at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro - Republic of Marshall Islands MH 96960.
2. Adani Krishnapatnam Ports Ltd., A company incorporated under Indian laws and having its office at Muthukur Mandal, S.P.S.R. Nellore, Andhra Pradesh.
3. Shanti Sagar International Dredging Ltd., A company incorporated under Indian laws and having its office at Adani Krishnapatnam Port Ltd., Krishnapatnam Port, Krishnapatnam.

...Respondents

Whereas the Petition under Order 39 Rule 1 & 2 r/w 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased praying that pending hearing and disposal of the suit, the Defendant No.1 Vessel, M.T.FUJI CHEM (IMO 1126930) a motor vessel flying the flag of St. Kitts and Nevis along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the port and harbour of Krishnapatnam, be arrested and detained under the orders of this Hon'ble Court and/or be restrained from sailing out of the port and harbour of Krishnapatnam, till security towards the Plaintiffs claim of INR 3,18,95,297.33 (Rupees Three Crore Eighteen Lakh Ninety Five Thousand Two Hundred and Ninety Seven and Thirty Three Paisa) in the suit/other appropriate proceeding is furnished, pending disposal of COMS No. 8 of 2026, on the file of the High Court;

And whereas the court upon perusing the suit and the affidavit filed in support thereof and upon hearing the arguments of Sri Sai Sanjay Suraneni, Advocate for the Plaintiff, directed the Registry to issue warrant of arrest against the 1st Defendant vessel, by name, "M.T.FUJI CHEM (IMO 1126930)", a motor vessel flying the flag of St. Kitts and Nevis, along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia.

Therefore, You viz;

The Port Officer, Adani Krishnapatnam Port and Harbour, Krishnapatnam, SPSR Nellore District.

are hereby directed to arrest the 1st respondent/1st defendant vessel "M.T.FUJI CHEM (IMO 1126930)", a motor vessel flying the flag of St. Kitts and Nevis, along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, which is presently anchored at the Port and Harbour of Krishnapatnam, within the territorial waters jurisdiction of this Court, in the event of 1st defendant failure to furnish security for INR 3,18,95,297.33 (Rupees Three Crore Eighteen Lakh Ninety Five Thousand Two Hundred and

Ninety Seven and Thirty Three Paise), in the form of a bank guarantee within twenty four (24) hours of the service of the arrest warrant, to the satisfaction of the Principal District Judge, Nellore.

You are also directed to return this warrant as early as possible with a detailed report, preferably on or before 08.04.2026, stating the manner in which it has been executed.

Herein fail not.

V. Satyanarayana
01/04/2026
JOINT REGISTRAR

To,

1. **The Registrar (Judicial)**, High Court of Andhra Pradesh at Amaravati. ✓
2. The Principal District Judge, Nellore. **(By Speed Post)** ✓
3. The Port Officer, Adani Krishnapatnam Ports Ltd., A company incorporated under Indian laws and having its office at Muthukur Mandal, S.P.S.R. Nellore, Andhra Pradesh. **(By Speed Post)** ✓
4. One spare copy.

PSD

HIGH COURT

VS,J

DATE:31/03/2026

POST THIS MATTER ON 08.04.2026

ORDER

I.A.NO.1 OF 2026

IN

COMS.No.8 of 2026



WARRANT OF ARREST