

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 18 of 2022**

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INDIAN POTASH LIMITED

Versus

M V GOLDEN MAPLE (IMO 9557214)

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Appearance:

for the Defendant(s) No. 2

MR VK RAMABHADHRAN with MR P M BUCH(7383) for the Defendant(s) No. 1

MR MANAV MEHTA with MS PAURAMI B. SHETH(841) for the Plaintiff(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 15/06/2022****ORAL ORDER**

1. Heard Mr. V. K. Ramabhadran, learned Senior Counsel assisted by Mr. P. M. Buch, the learned advocate appearing for defendant No.1 and Mr. Manav Mehta, learned advocate appearing for Ms. Paurami B. Sheth, learned advocate appearing for the plaintiff.

2. The learned Senior Counsel appearing for the defendant no.1 has placed on record purshis dated 15.6.2022 filed on behalf of the defendant No.1 viz. M. V. Golden Maple (IMO-9557214). The said purshis is taken on record.

3. By way of the purshis dated 15.6.2022 the learned Senior Advocate appearing for the defendant No.1 has submitted that the defendant is ready and willing to abide by the undertaking

as stated in the purshis to furnish the bank guarantee to the tune of amount claimed by the plaintiff in the present suit i.e. US\$ 730,871.42 within a period of two weeks before the Registry of this court. Further it was submitted that in view of the aforesaid undertaking the vessel be permitted to sail.

4. Mr. Manav Mehta, learned advocate appearing on behalf of the plaintiff submitted that the aforesaid purshis be not taken into consideration and the entire amount being US\$ 730,871.42 plus interest at the rate of 18% per month from the date of suit till today be deposited with the Registry of this Court to secure the interest of the plaintiff.

5. Having heard the learned advocates appearing for the respective parties and in light of the fact that the registered owner of the defendant No.1 vessel viz. M. V. Golden Maple (IMO-9557214) has initiated the remittance of 25% of the principal amount of US\$ 730,871.42 in Punjab National Bank, NRI Branch, Pelican Building, Ashram Road, Ahmedabad in Account No.740600VQ00000013, Swift Code No.PUNBINBBAIB and AD Code No.0303969, as security towards the plaintiff's claim in the suit, on a without prejudice basis this Court is inclined to pass the following order :-

(a) The defendant No.1 shall deposit 25% of the principal amount as claimed by the plaintiff duly produced at page-14 i.e. US\$ 730,871.42 and an affidavit providing

undertaking for furnishing bank guarantee for the remaining 75% of the principal amount as claimed by the plaintiff duly affirmed by ;

Mr. S. K. Mankad,
Managing Director,
P & I Services Private Limited,
302, 'B' Wing, 3rd Floor, Pramukh Plaza,
Cardinal Gracias Road, Chakala,
Andheri (E), Mumbai – 400 099

However, the issue with regard to the payment of interest would be decided at the time of deciding the suit in question.

- (b) On proper verification, the defendant vessel viz. M. V. Golden Maple (IMO-9557214) be released from arrest order dated 9.6.2022.
- (c) On receipt of the intimation that such remittance has been made and received by Punjab National Bank, NRI Branch, the defendant shall be permitted to deal with the defendant–vessel. On remittance being received by the Bank, the Bank shall intimate the same to the Registry forthwith.
- (d) Registry shall inform the learned advocate for the defendant about such remittance having been received by the Bank. On such intimation being received by the

Registry, the order of arrest dated 9.6.2022 shall stand vacated.

- (e) Registry shall also inform the port as well as custom authorities of Deendayal Port of this order after the remittance is received. Even at the cost of repetition, it is provided that the arrest order dated 9.6.2022 shall stand vacated only after the remittance is actually received.

6. A scanned copy of the affidavit is duly produced by the defendant dated 15.6.2022 which is taken on record. It is submitted that the original affidavit will be produced before the Registry of this Court.

7. It is open for the defendant's advocate to communicate the above order by fax/message/Email at this own cost and the authorities are directed to act on fax/Email message with an ordinary copy of this order.

8. It is, however, clarified that non-compliance of the aforesaid direction shall have resultantly effect of reviving the order dated 9.6.2022. Direct service today is permitted.

S. O. to 29.9.2022.

(VAIBHAVI D. NANAVATI,J)

K.K. SAIYED