IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/ADMIRALTY SUIT NO. 47 of 2025

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SANDHYA ORGANIC CHEMICALS PVT. LTD.
Versus
M.T.AMI (IMO NO. 9360934)

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Appearance:
MR DAKSHESH MEHTA(2430) for the Defendant(s) No. 1
MR. RUSHANG D MEHTA(6989) for the Defendant(s) No. 1
MR. JAIMIN R DAVE(7022) for the Plaintiff(s) No. 1
MS PAURAMI B. SHETH(841) for the Plaintiff(s) No. 1

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CORAM:**HONOURABLE MRS. JUSTICE MAUNA M. BHATT**

Date : 15/07/2025

ORAL ORDER

1. Ms. Paurami Sheth, Learned Advocate for the Plaintiff with Mr. Jaimin Dave Learned Advocate submitted that the Plaintiff has filed present suit for security for the cargo which is presently on board the Defendant vessel and interalia prayed for arrest of the Defendant Vessel.

1. Ms. Paurami Sheth, Learned Advocate further submitted that in all there have been 14 cargo receivers whose goods have been boarded on the board the Defendant Vessel and this Court has passed orders of arrest and on same line the arrest order is required to be passed in the captioned suit.

2. Ms. Paurami Sheth, Learned Advocate submitted that the Plaintiff contemplates to take delivery of the sound as well contaminated Cargo, find out the possibilities to sell in the open

market as per government norms and then sell in order to mitigate its losses, that in case the Plaintiff is able to sell in open market the said cargo and receive any amount, the Plaintiff undertakes to reduce its claim which depends on whether the loss turns out to be a constructive total loss, that presently due to contamination and non delivery of the entire cargo, the Plaintiff would not be in a position to use the said cargo and the Plaintiff will have to face the consequences once the Plaintiff is not able to fulfill its obligations in time, that the Plaintiff reserves its right to amend/revise the claim for damages and craves leave under Order II Rule 2 of The Code of Civil Procedure, 1908.

3. Ms. Paurami Sheth, Learned Advocate also submitted that the claim arises under the contract of carriage (evidenced by the Bills of Ladings) and the breaches committed by the Owner of the Defendant Vessel, that the contamination and damage caused to the cargo is attributed to the failure and negligence of the Owner to make the tanks of the Defendant Vessel fit and safe for stowage and carriage of the cargo from Jiangyin Port, China to Deendayal Port, that the cargo was contaminated and damaged in the custody, care and control of the Owner and Defendant Vessel and hence the Owner and Defendant Vessel are liable to make good the losses suffered by the Plaintiff, that the Plaintiff has a maritime claim under Sections 4(1)(d) and 4(1)(f) under the Admiralty Act, 2017 and is entitled to arrest the Defendant Vessel for enforcement of such maritime claim.

4. Learned advocate Mr. Rushang Mehta appeared for the defendant Vessel opposing the suit and made the following submissions:

   5.1 On the test report on which heavy reliance is placed does not refer to any contamination as alleged in the plaint.

   5.2 Not a single document has been produced to justify the allegation made that there is a complete loss and the cargo cannot be used for the purpose of which it was imported.

   5.3 There are contradiction in the averments made in the plaint. Learned advocate Mr. Mehta placing reliance on Paragraph No. 14 and 22 of the plaints submitted that they have on apprehension calculated the total loss, however, from the averment it is apparent that the averment made are contradictory. In other words, this is not a case where they have justified the total loss of cargo or the contamination as alleged in the petition and therefore on one hand, they are not accepting the cargo and on the other hand they have filed the present suit.

5. Learned advocate Mr. Mehta submitted that the submissions made on behalf of the defendant Vessel may not come in the way of filing any application on behalf of defendant Vessel seeking vacation of interim relief.

6. Upon consideration of the submission, this court has noticed that these are disputed questions of facts wherein it is not the case of defendant vessel that this court does not have

jurisdiction to entertain the admiralty suit.

7. Heard Ms. Paurami Sheth Learned Advocate with Mr. Jaimin Dave, Learned Advocate for the Plaintiff and perused the Plaint herein signed at Ahmedabad on 11.07.2025 filed by the Advocates for the Plaintiff herein and the Affidavit of Mr. Raju Prabhatbhai Desai, Authorised Person of the Plaintiff above named declared on 11.07.2025. On a reading of the plaint and the exhibits thereto, prima facie it appears that the claim in the Plaint is in the nature of a maritime claim as the Plaintiff's claim arises out of damage done to the Plaintiff's cargo carried on board the Defendant Vessel.

8. Upon the Plaintiff giving an undertaking in writing to pay such sums by way of damages as this Court may award as compensation in the event of the Defendant Vessel sustaining any prejudice by this order, I do order that the Registrar of this Court do issue a warrant for the arrest of the Defendant vessel, **M.T. AMI (IMO No. 9360934)** along with its hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furniture, equipment and all appurtenances, at present lying at the Deendayal Port (Kandla), Gujarat and that the Warrant of Arrest be executed at any time of the day or night or on Sundays or holidays and I do further order that the Port Officer and the Customs Authorities atDeendayal Port, Kandla do effect the arrest, seizure or detention of Defendant Vessel, **M.T. AMI (IMO No. 9360934** at Deendayal Port (Kandla), Gujarat or such other place wherever she may be within the territorial waters of

India and I do further order that in the event of the defendant and/ or those interested in her depositing in this Court a sum of principal sum of USD 179,974/- and legal costs of USD 20,000 aggregating to USD 199,974/- together with interest on USD 179,974/- at the rate of 18% p.a. from the date of suit until payment and/or realization as per Particulars of Claim, the said Warrant(s) of Arrest shall not be executed against Defendant Vessel. Leave under Order II Rule 2 of The Code of Civil Procedure, 1908 is granted.

9. The Port Officer and the Customs Authorities at Deendayal Port are directed to arrest the Defendant Vessel presently at Deendayal Port within the Indian territorial waters and to keep the vessel under arrest until further orders of this Court. It is further ordered that the Port Officer and the Customs Officer at Deendayal Port shall also intimate about this order to the Master/Chief Engineer of the Defendant Vessel through her Agent and effect the warrant of arrest for the Defendant Vessel.

10. The Registry is directed to send this order to Port and Customs at Deendayal Port through Email at following addresses and the Authorities at Deendayal Port shall act on Email copy of the order and take the Defendant Vessel under arrest.

(i) signaldpt@deendayalport.gov.in
(ii) trafficmanager@deendayalport.gov.in
(iii) harbourmaster@deendayalport.gov.in
(iv) dydirector@deendayalport.gov.in
(v) dyconservator@deendayalport.gov.in
(vi) dycvo@deendayalport.gov.in

(vii) cvo@deendayalport.gov.in
(viii) dychairman@deendayalport.gov.in
(ix) cvo@deendayalport.gov.in
(x) secretary@deendayalport.gov.in
(xi) commr-cusDeendayal@nic.in
(xii) kandlacustoms@gmail.com

11. Notice to the Defendants returnable on 12.09.2025. It is also open for the plaintiff's advocate to communicate the above order by Email to the Authorities and the Owner through the Agent of the Defendant Vessel Owner and the Port and Customs authorities at Deendayal Port are directed to act on Email message with an ordinary copy of this order.

12. It will be open for the Defendant to approach this Court even prior to the returnable date with an adequate notice to the plaintiff.

Direct service is permitted today.

(MAUNA M. BHATT,J)

DIPTI PATEL...

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIPTIBEN PIYUSH PATEL(HC00191), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 15/07/2025 17:03:34