IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/ADMIRALTY SUIT NO. 47 of 2025
With
CIVIL APPLICATION (OJ) (FOR DIRECTION) NO. 2 of 2025
In 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 PRATHAMESH KAMAT, ADVOCATE with
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 : 02/09/2025

ORAL ORDER

1. Heard Ms. Paurami Sheth with Mr. Jaimin Dave learned advocates for the Plaintiff and Mr. Prathamesh Kamat with Mr. Rushang D Mehta with Ms. Ankita Sen, Mr. Vishesh R. Kulkarni and Mr. Umang Malik, learned advocates for the Defendant.

2. Learned Advocate Ms. Sheth for the Plaintiff has submitted that the Plaintiff has filed Application for amendment for further reduction of suit claim in pursuance of the order dated 25.08.2025. This Court has allowed the said Application vide order dated 01.09.2025.

3. Learned Advocate Mr. Prathamesh Kamat for the Defendant Vessel and her Registered Owners has tendered Purshish with a photocopy of the Demand Draft, both dated 01.09.2025, which are taken on record and form part of this order. It is stated in the Purshish that the Registered Owners of the Defendant Vessel have furnished a Demand Draft dated 01.09.2025 bearing no. 000641 drawn on HDFC Bank, in favour of "Registrar, High Court of Gujarat" to this Court, for an amount of INR 43,76,102.46 (equivalent to claim amount of USD 50,127.18 as per the prevailing conversion rates, i.e. (@ INR 87.30/ 1 USD) and as per the Plaintiff's amended claim in the captioned Suit as per Orders dated 25.08.2025 and 01.09.2025).

4. The Learned Advocate for the defendant Vessel and her Owner further submitted that the plaintiff has intimated that the conversion ratio as on 01.09.2025 is INR 88.20 whereas the above Demand Draft is taken out while calculating the Conversion rate as 87.30 and thus there is shortfall of amount of INR 45,114.46. The Learned Advocate Mr. Rushang Mehta has submitted that vide Email dated 01.09.2025 addressed to him, Mr. Shiv Iyer of Renata Partners has given a personal undertaking on behalf of the Owners of the Defendant Vessel to furnish the balance amount based on conversion rate of INR 88.20 within two days from the date of this Order, i.e.

on or before **04.09.2025** and hence requested to pass order for release. It is submitted that a copy of the said Email is also marked to Learned Advocate Ms. Sheth representing the plaintiff.

5. Learned Advocates for the defendant Vessel and her Owner further submitted on Instructions from Mr. Shiv Iyer, Advocate, Renata Partners further submitted that the said Demand Draft will be encashed upon deposit by the Registry.

6. Learned Advocate for the Defendant further submitted that the Registered Owners of the Defendant Vessel have tendered the above security without submitting to the jurisdiction of this Hon'ble Court, without prejudice to their rights and contentions and defenses.

7. Learned Advocate for the Defendant submitted that the Defendant Vessel be released on submitting the Demand Draft, be permitted to submit the Original Demand Draft to the Registry through its Advocate with directions to the registry to accept the Demand Draft, issue Release Warrant forthwith and communicate this order to the Port and Customs authorities at Deendayal Port, Kandla at the earliest so that the Vessel may sail without undue delay.

8. Learned Advocate Ms. Paurami Sheth for the Plaintiff submitted that upon assurance of the Advocate for the Defendant that Demand Draft would be encashed on presentation and that further demand Draft for balance amount of difference of conversion ratio would be submitted within two days as per assurance given in paragraph 3 above, the Plaintiff has no objection for release of the Defendant Vessel if such security is deposited with the Registry, encashed and further invested till further orders.

9. Considering the submission of the respective Advocates, the following order is passed :

a) The arrest order dated 15.07.2025 is modified and the Defendant Vessel is released from the arrest and permitted to sail out.

b) The Registered Owners of the Defendant Vessel are permitted to deposit with the Registry through its Advocate a Demand Draft dated 01.09.2025 bearing no. 000641 drawn on HDFC Bank, in favour of "Registrar, High Court of Gujarat" to this Court, for an amount of INR 43,76,102.46 (equivalent to claim amount of USD 50,127.18 as per the prevailing conversion rates, i.e., the Plaintiff's amended claim as

per Orders dated 25.08.2025 and 01.09.2025), as security towards the Plaintiff's claim in the Suit, without submitting to the jurisdiction of this Hon'ble Court, without prejudice to their rights and contentions and defenses:

c) The Registry is directed to accept the above Demand draft submitted by the Defendant through its Advocate and retain the same under the captioned suit till further orders.

d) Given Adv. Mr. Shiv Iyer's personal undertaking to furnish the balance amount of INR 45,114.46 (basis USD 0.90 being USD 88.20, – USD 87.30),, the Owners for the Defendant Vessel are permitted to deposit the said balance amount within 2 days from the date of this Order, and the Vessel shall be permitted to sail out prior to deposit of the balance amount based on the said personal undertaking.

e) The Registry is directed to issue release warrant forthwith and the Defendant Vessel is permitted to sail out of Deendayal, Port Kandla;

f) The Registry is directed to encash the said Demand

Draft and invest in FDR which shall accrue interest initially for a period of two years and renew the same until the final disposal of the Suit or any other court proceedings including any appeals;

g) The Registry is directed to send this order and release warrant to the Port and Customs at Kandla through Fax and/or Email, directing the Port and Customs authorities at Kandla to forthwith release the Defendant Vessel. The Authorities (including the Port Officer and Customs Authority) at Deendayal Port, Kandla shall act on a Fax and/or E-mail forwarding the copy of this order, and permit the Defendant Vessel to sail out of the Deendayal Port of Kandla and render all necessary assistance to the Defendant Vessel and its representatives. The Registry to send the email to the following E-mail addresses:

a. dydirector@deendayalport.gov.in
b. harbourmaster@deendayalport.gov.in
c. dyconservator@deendayalport.gov.in
d. srdydirector@deendayalport.gov.in
e. dycvo@deendayalport.gov.in
f. vo@deendayalport.gov.in
g. kandlacustoms@gmail.com
h. hmofficekpt@gmail.com

h) It is also open for the Defendant's advocates to

directly communicate this order by Email and the Port and Customs authorities are directed to act on such email message with an ordinary copy of this order.

i) The Defendant Vessel owner is permitted to tender further Demand Draft to the Registry through its advocate and the Registry is directed to accept the same for the amount mentioned in para 9(d) hereinabove towards the balance amount, encash the same and invest the sum in FDR with the amount mentioned in para 9(b) which shall accrue interest initially for a period of two years and renew the same until the final disposal of the Suit or any other court proceedings including any appeals.

10. This order is passed without prejudice to the rights and contentions of the parties.

11. Stand over to 21.11.2025. Direct service **TODAY** is permitted to the Defendant.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PILLAI SHRIJIT P(HC01400), PRIVATE SECRETARY, at High Court of Gujarat on 02/09/2025 16:22:15