

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 61 of 2026**

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APEX ROYAL INTERNATIONAL LLP

Versus

MV INTERASIA TRANSCEND (IMO NO. 9993858) & ORS.

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Appearance:

PANKEET P AUNDHIYA(9421) for the Plaintiff(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 16/09/2026

ORAL ORDER

1. Heard learned advocate Mr. Pankeet P. Aundhiya appearing for the Plaintiff on the prayer for urgent ad-interim arrest of Defendant No.1 vessel, MV INTERASIA TRANSCEND (IMO No. 9993858). Perused the plaint, affidavit in support of arrest and the documents produced on record.

2. The Plaintiff has instituted the present suit for recovery of ₹24,02,296.83/-, together with interest and costs, arising from damage to a consignment of “Fresh Dragon Fruit White Flesh” carried from Cat Lai Port, Vietnam, to Nhava Sheva Port, India, aboard MV INTERASIA TRIUMPH, under Bill of Lading No. A59FX21063 dated 28.12.2025, issued by Defendant No.2.

3. Learned advocate submits that the consignment, valued at USD 24,472.80, was entrusted to Defendant No.2 in refer container No. SEGU9818430, with a stipulated temperature of +2°C. The Plaintiff is named as the consignee under the bill of lading.

4. It is submitted that, upon delivery and inspection on 15.01.2026, the cargo was found substantially deteriorated. The Plaintiff relies upon the temperature-recorder data and survey reports dated 16.01.2026 and 19.01.2026. According to the Plaintiff, the recorded temperatures during transit materially exceeded the stipulated temperature and caused damage to the cargo.

5. Learned advocate further submits that the Plaintiff mitigated its loss by selling the damaged cargo for ₹3,18,500. After adjustment of the sale proceeds, the Plaintiff claims ₹19,91,188.58 towards net cargo loss and ₹4,11,108.25 towards ancillary expenses, aggregating to ₹24,02,296.83/-. The Plaintiff issued a legal demand notice dated 24.06.2026 (Annexure Y) and, pursuant to Defendant No.2's email dated 01.07.2026 (Annexure Z) requesting the claim documents, furnished the supporting documents through its legal counsel by email dated 06.07.2026 (Annexure AA). Despite the demand and submission of the supporting documents as requested, the claim remains unpaid, compelling the Plaintiff to institute the present suit and seek arrest of Defendant No.1 vessel to secure its maritime claim.

6. As regards the basis for arrest of Defendant No.1 vessel, learned advocate relies upon the ownership particulars produced at Annexures C and D and submits that Defendant No.2 was the owner of MV INTERASIA TRIUMPH when the maritime claim arose and is the registered owner of MV INTERASIA TRANSCEND, against which arrest is presently sought. The Plaintiff accordingly invokes Section 5(2),

read with Section 5(1)(a), of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

7. Learned advocate Pankeet P Aundhiya places reliance upon the decision of the Division Bench of this Court in *Monjasa Ltd. v. M.T. Alpine Duke* (IMO 9470909), reported in 2025 (0) AIJEL-HC 252025, decided on 13.10.2025, particularly paragraph 96, wherein it is recognised that, under Section 5(2) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, a sister vessel owned by the same owner may be arrested to secure a maritime claim arising in respect of another vessel. Relying upon the ownership records at Annexures C and D, learned advocate submits that Defendant No.2 owned MV INTERASIA TRIUMPH when the claim arose and continues to own Defendant No.1 vessel, MV INTERASIA TRANSCEND. It is accordingly submitted that Defendant No.1 vessel is amenable to arrest under Section 5(2), read with Section 5(1)(a), to secure the Plaintiff's maritime claim arising from damage to the cargo carried aboard MV INTERASIA TRIUMPH.

8. Learned advocate places reliance upon the updated vessel schedule published by Interasia, retrieved on 15.09.2026 and produced at Annexure B, showing the expected arrival of Defendant No.1 vessel at Mundra Port on 16.09.2026 at 03:00 hours and expected departure on 17.09.2026 at 10:00 hours. Learned advocate also relies upon the "Expected Vessels" schedule published by Mundra Port, retrieved on 15.09.2026 and produced at Annexure B-1, showing the expected arrival of Defendant No.1 vessel on 16.09.2026 at 01:00 hours. It is accordingly

submitted that Defendant No.1 vessel is expected to arrive at Mundra Port on 16.09.2026, within the admiralty jurisdiction of this Court, and is liable to sail upon completion of her port operations.

9. Upon consideration of the pleadings and material produced, this Court is prima facie satisfied that the claim falls within Section 4(1)(f) of the Act. For the limited purpose of considering arrest, there is reason to believe that Defendant No.2 is liable for the claim and that the ownership requirements for proceeding against Defendant No.1 vessel under Section 5(2), read with Section 5(1)(a), are satisfied.

10. Having regard to the vessel's presence within jurisdiction and the possibility of her departure, the Plaintiff has made out a prima facie case for securing its claim. The balance of convenience favours grant of ad-interim protection. Delay in granting such protection may defeat the purpose of the application.

11. Issue **Notice** to the Defendants, returnable on **30.09.2026**. In the meantime, the following directions are issued:

(a) The Registrar of this Court shall issue a warrant for the arrest of Defendant No.1 vessel, MV INTERASIA TRANSCEND (IMO No. 9993858), together with her hull, engines, machinery, tackles, equipment, apparel and other appurtenances belonging to the vessel, presently lying at Mundra Port/anchorage, or wherever she may be found within the admiralty jurisdiction of this Court.

(b) The warrant may be executed at any time of the day or night, including on Sundays and holidays.

(c) Defendant No.3, the Port Officer, Mundra Port, and the concerned Customs Authorities at Mundra shall give effect to this order and the warrant of arrest forthwith. They shall ensure that Defendant No.1 vessel does not sail or leave the jurisdiction without further orders of this Court.

(d) The arrest shall secure the Plaintiff's principal claim of ₹24,02,296.83/- (Rupees Twenty-Four Lakh Two Thousand Two Hundred Ninety-Six and Eighty-Three Paise Only), together with such additional amount towards interest and costs as this Court may determine. The Plaintiff's claim for interest at 24% per annum is kept open for consideration.

(e) Defendant No.1 vessel, her owner or any person interested in her shall be at liberty to apply forthwith for release upon depositing the amount specified in clause (d), including any additional amount fixed by this Court, or furnishing an unconditional and irrevocable bank guarantee of a nationalised bank for that amount to the satisfaction of the Registrar. Any alternative security shall require approval of this Court.

(f) Upon acceptance of the requisite security, the matter shall be placed before this Court forthwith for appropriate release directions. Furnishing security shall be without prejudice to all rights and contentions of the parties and shall not constitute an

(g) Any shifting required for navigational safety or port operations may be undertaken under the supervision of the Port Authorities within the port limits and within this Court's jurisdiction, without interrupting the arrest. The Port Authorities shall intimate the Registrar of any such shifting.

12. The Registry shall communicate this order and the warrant of arrest by email to the Port Officer and the concerned Customs Authorities at Mundra, with copies to the concerned Port representatives at the following email addresses furnished by the Plaintiff:

- Sujal.shah@adani.com
- Manoj.katar@adani.com
- Customercare.CT@adani.com
- customercell@adani.com
- Harpalsinh.Jadeja@adani.com
- Gaurang.Chudasama@adani.com
- Pranav.choudhary@adani.com
- Pushparajsinh.Jadeja@adani.com
- Bhagwant.Upadhye@adani.com
- Ashok.Tilwani@adani.com
- Mahavirsinh.Jhala@adani.com
- Stevedoring@adani.com
- portopscenter@adani.com
- commr-cusmundra@nic.in
- pomungmb@gmail.com
- traffic.gmb@gmail.com

The said authorities shall act upon the authenticated electronic communication without awaiting a physical copy.

13. The Plaintiff is permitted to serve the authenticated order, warrant and relevant proceedings upon the Master of Defendant No.1 vessel and the concerned Port and Customs Authorities by direct service and email. Copies shall also be forwarded to Defendant No.2 and its known Indian agent at their available email addresses. An affidavit of service shall be filed.

14. The Port and Customs Authorities shall communicate the arrest to the Master of Defendant No.1 vessel and report compliance to the Registry forthwith.

15. The Defendants or any person interested in Defendant No.1 vessel shall be at liberty to apply for vacating or modifying this order, or for determining or varying the security, upon notice to the Plaintiff's advocate.

16. All observations herein are prima facie and confined to the prayer for ad-interim arrest. The merits of the claim, its quantum, interest, costs and all defences are expressly kept open.

Direct service today as well as through E-mail is also permitted.

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(PRANAV TRIVEDI,J)