

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 82 of 2025**

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MARINE CORROSION SERVICE LIMITED

Versus

MT RIGEL (EX-NAME PAGOS) (IMO 9296406)

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Appearance:

MS PAURAMI B. SHETH(841) for the Plaintiff(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 30/09/2025

ORAL ORDER

1. Learned Advocate for the Plaintiff has mentioned this matter for urgent circulation for today as the Defendant Vessel is likely to be released from the arrest granted by this Court and thereupon sail away immediately. The permission was granted and the present Suit is taken up for passing urgent orders.

2. Learned Advocate for the Plaintiff has submitted that as per request of Maple Maritime (MM) Solutions FZE, the ISM Manager of the Defendant Vessel on behalf of the Defendant Vessel (in her previous Name “Pagos”) and her Master/Owners and/ or all person interested in the Defendant Vessel, the Plaintiff provided the quotations and rates for

supply of spare parts and providing services to the Defendant Vessel, that upon confirmation of the same by Maple Maritime (MM) Solutions FZE, the ISM Manager of the Defendant Vessel on behalf of the Defendant Vessel and her Owner vide Purchase order Nos. PGS/9022/24 and PGS/9023/24 respectively, the Plaintiff supplied spare parts and provided services vide separate Delivery Receipts both dated 22.11.2025 at the faith and credit of the Defendant Vessel.

3. Learned Advocate for the Plaintiff further submitted that the Plaintiff raised Invoice dated 28.11.2025 on Master and Owner of the Defendant Vessel as well Maple Maritime (MM) Solutions FZE, the ISM Manager for USD 13,620.50 for supply of spare parts and raised Invoice dated 28.11.2025 on Master and Owner of the Defendant Vessel as well Maple Maritime (MM) Solutions FZE, the ISM Manager for USD 3,615.00 for providing services, that since no payment was received, the Plaintiff followed up with the Defendant Vessel and her Owner through ISM Manager, that in response to the same, the Defendant Vessel owner through ISM Manager assured for payment, that despite repeated request and assurances, the defendant Vessel Owner failed to make any payment, that the Plaintiff through its Advocate made demand vide email dated 11.04.2025 for the defendant Vessel as well one another

vessel, that since the Plaintiff did not receive payment for the defendant Vessel, the Plaintiff sent demand for USD 23,095.98 vide mail dated 26.09.2025 to which there has been no response till date.

4. Learned Advocate for the Plaintiff submitted that the Plaintiff has maritime claim for its outstanding amount for supply of spare parts and providing services which falls under Section 4(1) (l) of The Admiralty (Jurisdiction & Settlement of Maritime Claims) Act. The same therefore constitutes a maritime claim against the Defendant vessel.

5. Heard Learned Advocate Ms. Paurami Sheth for the Plaintiff. This Court has perused and considered the averments made in the plaint herein declared at Ahmedabad on 30.09.2025 filed by the advocate for the Plaintiff herein and the affidavit of Mr. Ashok Prajapati, the Authorized Signatory of the Plaintiff above named affirmed on 30.09.2025 in support of the arrest and prima facie found that the Plaintiff's claim in the Plaint is in the nature of a maritime claim.

6. Upon hearing Learned Advocate Ms. Paurami Sheth and 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 MT RIGEL (EX-NAME PAGOS) (IMO 9296406), along with her hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furniture, equipment and all appurtenances, at present lying at Vadinar Port within the Indian territorial waters 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 at Vadinar Port do effect the arrest, seizure or detention of the Defendant Vessel at present lying at Vadinar Port or within the Indian territorial waters 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 Defendants and / or those interested in her depositing in this Court for securing and / or satisfying the Plaintiff's claim of principal amount of USD 23,096/- (rounded amount of USD 23,095.98) of the principal amount of supply of spare parts and services for and legal cost of USD 6,000/- aggregating USD 29,096/- together with further interest on USD 17,235.80 at the rate of 18% p.a. from the date of suit until payment, as per particulars of Claim, the said Warrant of Arrest would not be executed against the Defendant Vessel at present lying at Vadinar Port, within the Indian territorial waters.

7. The Port Officer and the Customs Authorities at Vadinar Port are directed to arrest the Defendant Vessel i.e. MT RIGEL (EX-NAME PAGOS) (IMO 9296406) at present lying at Vadinar Port, within the Indian territorial waters and to keep the Defendant Vessel under arrest until further orders of this Court. It is further ordered that the Port Officer and the Customs Officer at Vadinar Port shall also intimate about this order to the Master / Chief Engineer of the Defendant Vessel and effect the warrant of arrest for the Defendant Vessel through email.

8. After the matter is heard and formal arrest order is passed, Learned Advocates Mr. Sukumar Tirthani with Mr. Dhruvil Merchant appeared and submitted that they have instructions to appear for the Defendant Vessel and the Defendant Vessel through concerned party, without prejudice to its rights and contentions, is ready and willing to secure and deposit the alleged suit claim amount by tendering Demand Draft for INR 26,00,000/- drawn in favour of The Registrar. Learned Advocate Mr. Sukumar Tirthani further submitted that the Defendant Vessel shall tender Demand Draft of the suit claim by 5 P.M. today and upon deposit of the same, the Registry be directed to accept the same and not to effect the arrest order, and issue arrest warrant and send the same to the authorities at Vadinar Port.

9. Learned Advocate Ms. Paurami Sheth for the Plaintiff has submitted that the Plaintiff has no objection for issuance of directions to the Registry not to effect arrest order and issue formal arrest warrant provided the Defendant tenders the Demand Draft of the suit claim latest by 5 P.M. today with the Registry. Learned Advocate Ms. Sheth has further submitted that in case the Demand Draft of the suit claim is not tendered latest by 5 P.M. today, then the Registry be directed to issue arrest warrant and serve to the Port and Customs Authorities at Vadinar Port at following addresses:

- A. cd-jamnagar@gov.in
- B. adc-cusjmr@gov.in
- C. commr-custjmr@gov.in
- D. sandeepkg.c011701@gov.in
- E. simo@nayaraenergy.com;
- F. alok.kumar@nayaraenergy.com ;
- G. shashikant.ranjan@nayaraenergy.com
- H. ch-custvdr@nic.in
- I. shreenathshipping@gmail.com
- J. palash.jadafva@deendayalport.gov.in
- K. com@deendayalport.gov.in
- L. pms_vadinar@yahoo.com
- M. portcontrol.oot@deendayalport.gov.in
- N. dyconservator@deendayalport.gov.in
- O. megr1.oot@deendayalport.gov.in
- P. divtechnical-custjmr@gov.in
- Q. ccpjam-hqlegal@gov.in

10. In view of the above submissions the following order is passed:

- a. Learned Advocate Mr. Dhruvil Merchant is permitted to enter appearance within one week from today. The Learned Advocate of the Defendant is directed to share the scanned copy of the Demand Draft with the Learned Advocate of the Plaintiff.
- b. The Registry is directed to accept Demand Draft of the suit claim tendered by the Learned Advocate of the Defendant latest by 5 P.M. today, encash the same and thereupon invest in an interest bearing fixed deposit initially for a period of one year and thereupon renew it from time to time till further orders.
- c. In case the Learned Advocate of the Defendant fails to tender the Demand Draft of the suit claim latest by 5 P.M. today, the Registry is directed to send this order to Port and Customs at Vadinar Port at above-mentioned email addresses and the Authorities at Vadinar Port shall act on Email copy of the order and take the Defendant Vessel under arrest and keep till further orders.

11. It is also open for the Plaintiff to communicate the above order by Email to the Port and Customs authorities at Vadinar Port and the Authorities at Vadinar Port are directed to act on email message with an ordinary copy of this order.

12. The Plaintiff is permitted to file the typed copies of page nos. 27 and 33 of the plaint and the Registry shall take them on record and place in the file.

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

14. Stand over to 28.11.2025. Direct Service **TODAY** is permitted.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI