

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/ADMIRALTY SUIT NO. 49 of 2024

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KANPUR EDIBLES PRIVATE LIMITED

Versus

MT HEXAGON ALPHA V.HEX24003, IMO NO. 9274630

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Appearance:

MR ANUJ K TRIVEDI(6251) for the Plaintiff(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 26/11/2024

ORAL ORDER

1. Draft amendment tendered by learned advocate Mr. Anuj Trivedi is allowed. To be carried out forthwith.
2. Mr. Anuj K. Trivedi, learned advocate for the plaintiff, has prayed for urgent circulation of the captioned Admiralty Suit on the ground that the defendant – vessel, is likely to leave the Port at Deendayal (Kandla).
3. Acceding to the request, the matter, was permitted for urgent circulation.

4. Mr. Anuj K. Trivedi, learned advocate submitted that the captioned Admiralty Suit, has been filed for securing, protecting and recovering the plaintiff's maritime claim for losses occurring on account of shortfall in cargo at the Port of discharge in Deendayal (Kandla). Reliance is placed upon the commercial invoices dated 31.10.2024 and 30.11.2024, Bills of Lading, all dated 03.11.2024, so also the loading and cargo log and provisional assessment report dated 25.11.2024 in support of his contention regarding shortfall of 180 Metric Tonnes cargo of Crude Oil which was to be carried by the defendant – vessel from the Port of Bintulu, Malaysia, to the port of discharge at Deendayal (Kandla). The plaintiff, has filed the instant suit, to enforce its maritime claim against the said defendant – vessel for the sums due and payable for the losses sustained on account of such shortfall.

4.1 The defendant – vessel, is presently at Deendayal (Kandla) Port and likely to sail away and the present suit, is filed for action in rem and inter alia, for arrest of the

defendant – vessel as per Section 5(1) read with Section 4(1)(f) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

5. Upon hearing Mr. Anuj K. Trivedi, learned advocate, and upon reading the plaint herein signed at Ahmedabad on 26.11.2024 filed by the advocate for the plaintiff and the affidavit of Ms. Neha Askash Agrawal, Authorised Signatory of the plaintiff above-named 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 the warrant for the arrest of the defendant – vessel MT Hexagon Alpha V.HE24003 (IMO NO. 9275630) along with her hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furniture's, equipments and all appurtenances, at present lying / anchored at Deendayal (Kandla) Port within the Indian territorial waters. 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 Deendayal (Kandla) Port, do effect the arrest, seizure or detention of the defendant – vessel at present lying at Deendayal (Kandla) Port 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 defendant and/or those interested in her depositing in this Court for securing and/or satisfying the plaintiff's claim of USD 225,360 plus interest at the rate of 18% per annum from the date of the order till such sum is deposited with the registry of this Court, the said Warrant of Arrest, would not be executed against the defendant – vessel at present lying at Deendayal (Kandla) Port within the Indian territorial waters.

6. The Port Officer and the Customs Authorities at Deendayal (Kandla), are directed to forthwith arrest the defendant – vessel at present lying at Deendayal (Kandla) Port within the Indian territorial waters and to keep the vessel

under arrest until further orders. It is further ordered that the Port Officer and the Customs Authorities at Deendayal (Kandla) shall also intimate about this order to Master/Chief Engineer of the defendant – vessel through her agent and effect the Warrant of Arrest for the defendant – vessel through e-mail.

7. The Registry, is directed to send this order to Port and Customs at Deendayal (Kandla) Port today itself through e-mail at the following addresses and the authorities at Deendayal (Kandla) Port shall act on e-mail copy of the order and take the defendant – vessel under arrest.

1. Vessel Agent- Marineline Shipping Agencies -
Marinelinks Kandla - kandla@marinelinks.in
2. Deendayal Port Trust – Traffic Manager –
trafficmanager@deendayalport.gov.in
3. Deendayal Port Trust – Deputy Conservator -
dyconservator@deendayalport.gov.in
4. Deendayal Port Trust - Harbour Master -
harbourmaster@deendayalport.gov.in
5. Deendayal Port Trust – ATM –
atmshipping@deendayalport.gov.in
6. Deendayal Port Trust – Senior DTM –

srdtm@deendayalport.gov.in

7. Deendayal Port Trust – Harbour Master –
harbourmaster@deendayalport.gov.in

8. Deendayal Port Trust – Signal –
signaldpt@deendayalport.gov.in

9. Kandla Customs - Commissioner of Customs -
commr-cuskandla@nic.in / m.rammohan@gov.in

10. Kandla Customs – R&I – rnikandla@gmail.com

8. Issue **Notice** to the defendant, returnable on **20.12.2024**.

9. It is made clear that it will be open for the defendant to approach this Court even prior to the returnable date with adequate notice to the plaintiff.

10. The Registry, to communicate this order to the Port and the agents of the defendant – vessel at their e-mail id, and the plaintiff also is permitted to communicate this order by e-mail.

11. Direct service **TODAY** is permitted.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI