

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/ADMIRALTY SUIT NO. 49 of 2024**

KANPUR EDIBLES PRIVATE LIMITED

Versus

MT HEXAGON ALPHA V.HEX24003, IMO NO. 9274630

Appearance:

DS AFF.NOT FILED (N) for the Defendant(s) No. 1

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

CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 04/12/2024

ORAL ORDER

Learned advocate Mr. PratikKhubchandani assisted by learned senior advocate Mr. Dhaval Vyas upon instruction of his client appeared in this matter. Appearance/Vakalatnama is permitted to file in due course.

1. Learned Advocate Mr. Pratik Khubchandani mentioned this matter for urgent listing for today for passing orders for release of the Defendant Vessel. The permission is granted and the suit is taken for hearing.

2. Learned Senior Advocate Mr. Dhaval Vyas has tendered a purshish dated 04.12.2024 along with a Letter of Undertaking dated 04.12.2024 by the General Manager of Thomas Miller (South East Asia) Pte Ltd. as Manager for The UK P & I Club, Singapore Branch on behalf of the Defendant Vessel, securing the plaintiff's claim. The said Letter of Undertaking dated 04.12.2024 is taken on record and forms part of this order.

3. Learned Senior Advocate Mr. Dhaval Vyas further

requested to pass orders for the release of the Vessel based on such an undertaking so that the Vessel is permitted to sail from the Deendayal (Kandla) Port Trust.

4. Learned Advocate Mr. Anuj Trivedi on behalf of the Plaintiff has submitted that the defendant has tendered a photocopy of the Letter of Undertaking dated 04.12.2024 before this Hon'ble Court by way of Purshish and has undertaken to provide the original letter of undertaking to the plaintiff or its advocate by 10.12.2024. It is further submitted that, as by way of the letter of undertaking, the plaintiff is giving security towards the plaintiff's claim, whereby the United Kingdom Mutual Steam Ship Assurance Association Limited has undertaken to pay to the plaintiff, on demand any sum which may either be agreed in writing between the parties or that may be due to the plaintiff by way of adjudication of the present suit by this Hon'ble Court, the claim of the plaintiff stands secured. Hence, upon instructions, Learned Advocate Mr. Anuj Trivedi states that the Plaintiff has no objection for passing an order of release of the Defendant Vessel.

5. In light of the aforesaid, the Defendant Vessel is released from the arrest order dated 26.11.2024. The Registry is directed to issue Release Warrant for the Defendant Vessel forthwith.

6. The Registry is directed to send this order to Port and Customs at Deendayal Port through Email at addresses mentioned in the order dated 26.11.2024 and the Authorities at Deendayal Port shall act on an Email copy of the order and release the Defendant Vessel from arrest and whereas it is clarified that issuance of warrant of release by the Registry on email should be acted upon by all authorities concerned.

1. Vessel Agent- Marinelink Shpping 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 –
signalcpt@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

7. It is also open for the Defendant's Advocate to communicate the above order by Email to the Authorities at Deendayal Port and the Port and Customs authorities at Deendayal Port are directed to act on Email message with an ordinary copy of this order.

8. The defendant is directed to handover the original Letter of Undertaking dated 04.12.2024 to the plaintiff or its advocate by 10.12.2024.

9. This order is passed without prejudice to the rights and contentions of the parties. Stand over to **03rd January, 2025**. Direct Service today to the defendant is permitted.

(MAUNA M. BHATT,J)