

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 94 of 2025**

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PROTISTON SINGLE-MEMBER P.C.

Versus

MV AVRAI (IMO 9559688) & ANR.

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Appearance:

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

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CORAM:HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 26/12/2025****ORAL ORDER**

1. Learned Advocate for the Plaintiff has mentioned this matter for urgent circulation for today as the Defendant Vessel is likely to sail away immediately on completion of her cargo operations. The permission was granted and the present Suit is taken up for passing urgent orders.
2. Learned Advocate Ms. Paurami Sheth for the Plaintiff submitted that the name of the Defendant Vessel was Cohiba from year 2021 which got chaged to AVRA from 01.06.2025 and her name is chaged to AVRA 1 from November 2025, that during the period between July 2024 to July 2025, Archon Maritime & Trading, the Managers of the Defendant Vessel on behalf of the Master, Defendants and all concerned placed the order for providing spares/ provisions/ stores and repair/ maintenance services to the Defendant Vessel, that Archon Maritime & Trading intimated that it has authority to place such orders, invoices be raised in its name

and undertaken to make payment on behalf of the Defendants, that while acting on such assurance, the Plaintiff provided the requisite spares/ provisions/ stores and repair/ maintenance services to the Defendant Vessel as per the various orders placed from time to time, that the same have been signed and acknowledged by the Master/Chief Engineer of the Defendant Vessel without raising any protest, objection and/or demur regarding the services received to them by the Plaintiff, that the Plaintiff then raised invoices from time to time aggregating of US\$220,457.30, that since the Plaintiff did not receive the payment within 30 days credit limit, orally persuaded for the payment, that the Plaintiff received the part payment, that the Plaintiff persuaded for balance payment but still US\$73,027.30 remains unpaid.

3. Learned Advocate Ms. Paurami Sheth submitted that the Plaintiff has provided spares/ provisions/ stores and repair/ maintenance services to the Defendant Vessel for the faith and credit of the Defendant Vessel and thus has a maritime claim falling under Sections 4 (1) (l) and 4 (1) (m) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, that since the amount is unpaid, the Plaintiff is constrained to file the present Suit and interalia prayed for arrest of the Defendant Vessel for security of the outstanding dues.
4. Heard Ms. Paurami Sheth Learned Advocate for the Plaintiff. This Court perused the Plaint herein signed at Ahmedabad on 25.12.2025 filed by the Advocate for the Plaintiff herein and the Affidavit of Mr. Raju Desai, Authorised Person of the Plaintiff

above named declared on 25.12.2025. On a reading of the plaint and the exhibits thereto, prima facie it appears that the claim in the Plaint is in the nature of a maritime claim as the Plaintiff's claim arises for providing spares/ provisions/ stores and repair/ maintenance services to the Defendant Vessel on behalf of the Defendant Vessel and her Owner.

5. 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, MV AVRA 1 (Earlier name AVRA) having IMO No. 9559688 along with its hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furniture, equipment and all appurtenances, at present lying at Deendayal Port, Kandla 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 Deendayal Port do effect the arrest, seizure or detention of the Defendant Vessel at present lying at Deendayal 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 Defendant Vessel, her Owner and / or those interested in her depositing in this Court principal sum of USD 73,027.30 together with legal costs of US\$ 20,000.00 aggregating US\$ 93,027.30 plus further interest @18 % per annum on the principal sum of on US\$ 73,027.30 from the date of suit until payment and/or realization as per Particulars of Claim,

the said Warrant(s) of Arrest shall not be executed against Defendant Vessel. Post the arrest, however, it shall be open to the defendant to address the Court on the amount of security to be offered, by the next date i.e 29.12.2025, or any day prior thereto, with adequate notice to the plaintiff.

6. The Port Officer and the Customs Authorities at Deendayal Port, Kandla are directed to arrest the Defendant Vessel at present lying at Deendayal 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 Deendayal 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.

7. The Registry is directed to send this order to Port and Customs at Deendayal Port at following addresses:

- (i) signalcpt@deendayalport.gov.in
- (ii) trafficmanager@deendayalport.gov.in
- (iii) harbourmaster@deendayalport.gov.in
- (iv) dydirector@deendayalport.gov.in
- (v) dyconservator@deendayalport.gov.in
- (vi) dycvo@deendayalport.gov.in
- (vii) cvo@deendayalport.gov.in
- (viii) dychairman@deendayalport.gov.in
- (ix) cvo@deendayalport.gov.in
- (x) secretary@deendayalport.gov.in
- (xi) commr-cusDeendayal@nic.in
- (xii) kandlacustoms@gmail.com

8. It is clarified that the Defendant Vessel is entitled to carry out her

cargo operations while remaining under arrest but shall not leave the Deendayal Port until further orders.

9. It is open for the Plaintiff to send this order to the Authorities at Deendayal Port and the Authorities at Deendayal Port are directed to act on Email copy of the order and take the Defendant Vessel under arrest.
10. Issue **Notice** to the Defendants returnable on 29.12.2025. The Plaintiff is permitted to serve to the Defendant Vessel through her Owner or interested person through email.
11. It is open for the Defendants to approach this Court even -prior to the returnable date with adequate notice to the Plaintiff.

Direct Service today is permitted

SUDHIR

(J. L. ODEDRA, J)