

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
ADMIRALTY SUIT LOD.NO.436 OF 2011

Union of India .. Plaintiffs
Versus
m.v.NORDLAKE & Ors. .. Defendants

Mr.D.J.Khambata, Additional Solicitor General with Rahul Narichania i/b. Dhiren Shah for plaintiffs
Mr.Prashant Pratap with Manoj Khatri i/b. M.R.Khatri for Charterers.

CORAM: S.C.DHARMADHIKARI, J.
DATE : 23rd FEBRUARY 2011

P.C.

Mentioned not on board.

2] Prima facie a case for arrest of the vessel m.v.NORDLAKE has been made out. In the circumstances, there will be an order in terms of the Judge's order separately signed.

3] The formal warrant of arrest is dispensed with.

4] Port, Customs and all concerned Authorities to act on a fax copy, e-mail and or authenticated copy of this order.

5] The order of arrest just made is sought to be clarified by Mr.Pratap learned Counsel appearing on behalf of the charterers of the first defendant vessel. He submits that there is cargo on board

the vessel and the vessel has obtained clearance for discharging the cargo at JNPT. She will be presently moved from the Mumbai Port Trust area to JNPT for the limited purpose of discharging the cargo and she will return back to the area within the jurisdiction and authority of Mumbai Port Trust. No Custom or Port Trust Clearance has been obtained. Mr.Pratap submits that even the Naval authority has no objection to the vessel moving within the JNPT area for discharge of cargo as she will return back to Mumbai Port.

6] Mr.Pratap, therefore, seeks clarification that the order shall not prevent the first defendant vessel from undertaking discharge operations as noted above.

7] After having heard Mr.Pratap at some length so also the learned Additional Solicitor General, Mr.Khambatta appearing for plaintiffs, I am of the view that the clarification as sought by Mr.Pratap can be issued as that would not prejudice the right of the plaintiff in any manner and will not affect the order passed today. In these circumstances, the order passed arresting first defendant vessel shall not prevent it from discharging cargo by moving into

JNPT area and leaving the jurisdiction and authority of Mumbai Port Trust.

8] However, after the discharge of the cargo is complete, the vessel as stated above shall come back to the Mumbai Port Trust and, thereafter, will be abide by the order of arrest.

(S.C.DHARMADHIKARI, J)