

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO. 66 OF 2018

In

ADMIRALTY SUITS 6 OF 2015

Raj Shipping AgenciesPetitioner
V/S
Barge Madhwa And Anr. And The Board OfRespondent
Trustees Of The Port Mumbai (applicant)

WITH

ADMIRALTY SUITS NO. 1 OF 2015

Atlantic Shipping Pvt. Ltd.Petitioner
V/S
Barge Madhwa And AnrRespondent

WITH

COMMERCIAL ADMIRALTY SUITS NO. 285 OF 2015

Tag Offshore LimitedPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH

ADMIRALTY SUITS NO. 6 OF 2015

Raj Shipping AgenciesPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH

ADMIRALTY SUITS NO. 11 OF 2015

Integr8 Fuels Inc.Petitioner
V/S
Madhwa And Anr.Respondent

WITH
COMMERCIAL ADMIRALTY SUITS NO. 284 OF 2015

Raj Shipping Agencies LimitedPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
ADMIRALTY SUITS NO. 17 OF 2015

Raj Transport & Trading CompanyPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
COMMERCIAL SUIT NO. 73 OF 2016

Sumayla Marine ServicePetitioner
V/S
Dlb Nand Gaurav And AnotherRespondent

WITH
ADMIRALTY SUITS NO. 20 OF 2015

Transtar Offshore Services Pvt. Ltd.Petitioner
V/S
Dlb Nand Gaurav And AnotherRespondent

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 74 OF 2015
In

COMMERCIAL ADMIRALTY SUITS 284 OF 2015

Raj Shipping Agencies LimitedPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1162 OF 2015
In
ADMIRALTY SUITS 1 OF 2015

Atlantic Shipping Pvt. Ltd.Petitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 75 OF 2015
In
COMMERCIAL ADMIRALTY SUITS 285 OF 2015

Tag Offshore LimitedPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1721 OF 2015
In
ADMIRALTY SUITS 17 OF 2015

Raj Transport & Trading CompanyPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1161 OF 2015

In
ADMIRALTY SUITS 6 OF 2015

Raj Shipping AgenciesPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1166 OF 2015

In
ADMIRALTY SUITS 17 OF 2015

Raj Transport & Trading CompanyPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 73 OF 2015

In
COMMERCIAL ADMIRALTY SUITS 284 OF 2015

Raj Shipping Agencies LimitedPetitioner
V/S
Barge Madhwa And Anr And Punj Lloyd LtdRespondent
(applicant)

WITH
NOTICE OF MOTION (SUITS) NO. 1715 OF 2015

In
ADMIRALTY SUITS 1 OF 2015

Atlantic Shipping Pvt. Ltd.Petitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 76 OF 2015
In
COMMERCIAL ADMIRALTY SUITS 285 OF 2015

Tag Offshore LimitedPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1717 OF 2015
In
ADMIRALTY SUITS 6 OF 2015

Raj Shipping AgenciesPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
COMMERCIAL SUIT NO. 319 OF 2016

M/s.supreme Hydro Engineering Pvt LtdPetitioner
V/S
M.v.tag7 [imo:9379002] And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) LODGING NO. 180 OF 2016
In
ADMIRALTY SUITS 20 OF 2015

Transtar Offshore Services Pvt. Ltd.Petitioner
V/S
Dlb Nand Gaurav And AnrRespondent

WITH

NOTICE OF MOTION (SUITS) LODGING NO. 181 OF 2016

In

COMMERCIAL SUIT 73 OF 2016

Sumayla Marine ServicePetitioner

V/S

Dlb Nand Gaurav And AnrRespondent

WITH

NOTICE OF MOTION (SUITS) NO. 757 OF 2017

In

ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) LtdPetitioner

V/S

M. V. Malaviya Twenty Three Imo No 9299082Respondent
And Ors

WITH

NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 743 OF 2019

In

COMMERCIAL ADMIRALTY SUITS 36 OF 2018

Idbi Bank Ltd.Petitioner

V/S

Mv Malaviya Thirty Three (imo 7809118) And 8Respondent
Ors

WITH

NOTICE OF MOTION (SUITS) NO. 1095 OF 2019

In

ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) LtdPetitioner

V/S

M. V. Malaviya Twenty Three Imo No 9299082Respondent
And Ors

WITH
NOTICE OF MOTION (SUITS) NO. 1718 OF 2015
In
ADMIRALTY SUITS 11 OF 2015

Integr8 Fuels Inc.Petitioner
V/S
Madhwa And Anr.Respondent

WITH
ADMIRALTY SUITS NO. 1 OF 2017

Barkat Hiring Co.Petitioner
V/S
Malaviya Thirty Three And AnrRespondent

WITH
ADMIRALTY SUITS NO. 28 OF 2017

Vipu Thazhathupulikkal Purushothaman NairPetitioner
V/S
Sale Proceeds Of M. V. Malaviya 28 And 22 OrsRespondent

WITH
ADMIRALTY SUITS NO. 33 OF 2017

Durva Engineering WorksPetitioner
V/S
M. V. Malaviya Thirty Six (imo No. 8519083)Respondent

WITH
COMMERCIAL ADMIRALTY SUITS NO. 482 OF 2017

Mars Petrochem Pvt. Ltd.Petitioner
V/S
Sales Proceeds Of M.v. Malaviya 23, ImoRespondent
9299082 And 5 Ors

WITH
COMMERCIAL ADMIRALTY SUITS NO. 121 OF 2017

Unique Marine ServicePetitioner
V/S
Malaviya Thirty (imo:9333515) And AnrRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 800 OF 2018
In
ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) LtdPetitioner
V/S
M. V. Malaviya Twenty Three Imo No 9299082Respondent
And 8 Ors And Export Import Bank Of India
(respondent)

WITH
NOTICE OF MOTION (SUITS) NO. 1158 OF 2015
In
ADMIRALTY SUITS 11 OF 2015

Integr8 Fuels Inc.Petitioner
V/S
Madhwa And Anr. And Punj Lloyd LtdRespondent
(applicant)

WITH
NOTICE OF MOTION (SUITS) NO. 726 OF 2019

In
ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) LtdPetitioner
V/S
M. V. Malaviya Twenty Three Imo No 9299082Respondent
And 21 Ors

WITH
NOTICE OF MOTION (SUITS) NO. 1805 OF 2019

In
ADMIRALTY SUITS 6 OF 2015

Raj Shipping AgenciesPetitioner
V/S
Barge Madhwa And AnrRespondent

WITH
COMMERCIAL ADMIRALTY SUITS NO. 142 OF 2016

Raj Shipping AgenciesPetitioner
V/S
M. V. Malaviya Thirty And 3 OrsRespondent

WITH
NOTICE OF MOTION (SUITS) NO. 1215 OF 2019

In
ADMIRALTY SUITS 65 OF 2015

Solitaire Marine And Offshore Pvt. Ltd.Petitioner
V/S
M.v.pristine Gv (imo No. 9118422) And Anr.Respondent

WITH
NOTICE OF MOTION (SUITS) NO. 2447 OF 2019

In
ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) LtdPetitioner
V/S
M. V. Malaviya Twenty Three Imo No 9299082Respondent
And 21 Ors

WITH
NOTICE OF MOTION (SUITS) NO. 1974 OF 2018

In
ADMIRALTY SUITS 18 OF 2017

Melayi Kandi JayarajanPetitioner
V/S
Ahtv Sangita And AnrRespondent

WITH
ADMIRALTY SUITS NO. 18 OF 2017

Melayi Kandi JayarajanPetitioner
V/S
Ahtv Sangita And AnrRespondent

WITH
ADMIRALTY SUITS NO. 38 OF 2018

Amit SharmaPetitioner
V/S
M.v. Malaviya Thirty And 2 Ors.Respondent

WITH
COMMERCIAL ADMIRALTY SUITS NO. 36 OF 2018

Idbi Bank Ltd.Petitioner

V/S

Mv Malaviya Thirty Three (imo 7809118) And 7Respondent
Ors.

WITH

COMMERCIAL ADMIRALTY SUITS NO. 8 OF 2019

Sagar Yadav And 18 OrsPetitioner

V/S

Msv Malaviya 36 (imo No. 8519083) And AnrRespondent

WITH

COMMERCIAL ADMIRALTY SUITS NO. 39 OF 2018

Capt. Jitendra Sama And 4 Ors.Petitioner

V/S

M.t. Maharshi BhavatreyaRespondent

Mr. Prasad Shenoy a/w Ms. Bulbul Singh-Rajpurohit, Ms. Prachi Shah, Mr. Naishadh Bhatia and Mr. Nirav Shroff i/b Caword Bayley and Co. for Plaintiff in ADMS/6/2015, ADMS/1/2015, ADMS/17/2015, COMAS/284/2015, COMAS/285/2015, ADMS/1/2017 and COMAS/121/2017; Mr. Ajai Fernandes a/w Ms. Sneha B. Pandey i/b Motiwalla and Co. for Applicant in CHS/66/2018 and for Defendant No.3 in ADMS/18/2017.

Mr. Ashwin Shanker a/w Mr. Anil Vishnoi for Plaintiff in ADMS/20/2015, COMS/73/2016, ADMS/28/2017 and COMAS/482/2017;

Mr. Kunal Naik i/b Bimal Rajasekhar for Plaintiff in COMAS/142/2016;

Mr. Shrey Sancheti i/b Theba and Associates for Plaintiff in COMAS/36/2018;

Dr. Shrikant Hathi a/w Mr. Pritish Das i/b Barus Chambers for Plaintiff in ADMS/33/2017;

Ms. Kirthika Anand a/w Mr. Osama Butt i/b Ganesh and Co. for Plaintiff in COMS/319/2016

Mr. Jithin Jost i/b Harsh Pratap for Plaintiff in ADMS/11/2015;

Ms. Perna Verma i/b Ganesh and Co. for Plaintiff in COMAS/8/2019;

Mr. Rahul Narichania, Senior Advocate a/w Ms. Pratiksha Avhad Mr. Pranav M. Nair i/b Mulla and Mulla and Craigie Blunt and Caroe for Plaintiff in ADMS/41/2015;

Ms. Aneesa Cheema i/b Charles De Souza for Respondent (EXIM Bank) in NMS/800/2018;

Ms. Mrunmayee Klpalliwar i/b M. V. Kini and Co. for Defendant No. 9 in Item 1. 18;

Ms. S. Priya, Advocate for Official Liquidator in Item Nos. 1.9, 1.11, 1.12, 1.15, 1.16 and 1.22;

Mr. Aditya Pimple a/w Ms. Surbhi Agarwal for Official Liquidator in Items Nos. 1.13, 1.14, 1.17, 1.18, 1.21, 1.24, 1.25, 1.26 and 1. 29;

Mr. Pramod Kumar, Assistant Official Liquidator present;

Mr. Prashant Pratap, Senior Advocate- Amicus Curiae/Assisted by Mr. Nishaan Shetty;

Mr. V. K. Ramabharan, Senior Advocate â€™ Amicus Curiae;

Dr. Abhinav Chandrachud- Amicus Curiae/Assisted by Mr. Shailendra Singh and Mr. Saurish Shetye.

CORAM : K.R. SHRIRAM, J

DATE : 16th January, 2020

P.C. :

Stand over to 17/01/2020

(ASSOCIATE)