

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION**

**CHAMBER SUMMONS NO.66 OF 2018
IN
ADMIRALTY SUIT NO.6 OF 2015**

The Board of Trustees of the Port MumbaiApplicant

In the matter between :

Raj Shipping AgenciesPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.1 OF 2015**

Atlantic Shipping Pvt. Ltd.Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.285 OF 2015**

Tag Offshore LimitedPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.6 OF 2015**

Raj Shipping AgenciesPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.11 OF 2015**

Integr8 Fuels Inc.Plaintiff

V/s.

Madhwa And Anr.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.284 OF 2015**

Raj Shipping Agencies LimitedPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.17 OF 2015**

Raj Transport & Trading CompanyPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL SUIT NO.73 OF 2016**

Sumayla Marine ServicePlaintiff

V/s.

Dlb Nand Gaurav And AnotherDefendants

**WITH
ADMIRALTY SUIT NO.20 OF 2015**

Transtar Offshore Services Pvt. Ltd.Plaintiff

V/s.

Dlb Nand Gaurav And AnotherDefendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.74 OF 2015
IN
COMMERCIAL ADMIRALTY SUIT NO.284 OF 2015**

Raj Shipping Agencies LimitedPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1162 OF 2015
IN
ADMIRALTY SUIT NO.1 OF 2015**

Atlantic Shipping Pvt. Ltd.Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.75 OF 2015
IN
COMMERCIAL ADMIRALTY SUIT NO.285 OF 2015**

Tag Offshore LimitedPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1721 OF 2015
IN
ADMIRALTY SUIT NO.17 OF 2015**

Raj Transport & Trading CompanyPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1161 OF 2015
IN
ADMIRALTY SUIT NO.6 OF 2015**

Raj Shipping AgenciesPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1166 OF 2015
IN
ADMIRALTY SUIT NO.17 OF 2015**

Raj Transport & Trading Company ...Plaintiff

V/s.

Barge Madhwa And Anr. ...Defendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.73 OF 2015
IN
COMMERCIAL ADMIRALTY SUIT NO.284 OF 2015**

Raj Shipping Agencies Limited ...Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1715 OF 2015
IN
ADMIRALTY SUIT NO.1 OF 2015**

Atlantic Shipping Pvt. Ltd.Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.76 OF 2015
IN
COMMERCIAL ADMIRALTY SUIT NO.285 OF 2015**

Tag Offshore Limited ...Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
NOTICE OF MOTION NO.1717 OF 2015
IN
ADMIRALTY SUIT NO.6 OF 2015**

Raj Shipping Agencies ...Plaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL SUIT NO.319 OF 2016**

M/s. Supreme Hydro Engineering Pvt. Ltd.Plaintiff

V/s.

M.V. Tag 7 [IMO No.9379002] And Anr.Defendants

**WITH
NOTICE OF MOTION (L) NO.180 OF 2016
IN
ADMIRALTY SUIT NO.20 OF 2015**

Transtar Offshore Services Pvt. Ltd.Plaintiff

V/s.

Dlb Nand Gaurav And Anr.Defendants

**WITH
NOTICE OF MOTION (L) NO.181 OF 2016
IN
COMMERCIAL SUIT NO.73 OF 2016**

Sumayla Marine ServicePlaintiff

V/s.

Dlb Nand Gaurav And Anr.Defendants

**WITH
NOTICE OF MOTION NO.757 OF 2017
IN
ADMIRALTY SUIT NO.41 OF 2015**

Dvb Group Merchant Bank (Asia) Ltd.Plaintiff

V/s.

M.V. Malaviya Twenty Three
(IMO No.9299082) And Ors.Defendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.743 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT NO.36 OF 2018**

IDBI Bank Ltd.Plaintiff

V/s.

M.V. Malaviya Thirty Three
(IMO No.7809118) And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1095 OF 2019
IN
ADMIRALTY SUIT NO.41 OF 2015**

Dvb Group Merchant Bank (Asia) Ltd.Plaintiff

V/s.

M.V. Malaviya Twenty Three
(IMO No.9299082) And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1718 OF 2015
IN
ADMIRALTY SUIT NO.11 OF 2015**

Integr8 Fuels Inc.Plaintiff

V/s.

Madhwa And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.1 OF 2017**

Barkat Hiring Co.Plaintiff

V/s.

Malaviya Thirty Three And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.28 OF 2017**

Vipu Thazhathupulikkal Purushothaman NairPlaintiff

V/s.

Sale Proceeds of M.V. Malaviya 28 And Ors.Defendants

**WITH
ADMIRALTY SUIT NO.33 OF 2017**

Durva Engineering WorksPlaintiff

V/s.

M.V. Malaviya Thirty Six (IMO No.8519083)Defendant

**WITH
COMMERCIAL ADMIRALTY SUIT NO.482 OF 2017**

Mars Petrochem Pvt. Ltd.Plaintiff

V/s.

Sale Proceeds of M.V. Malaviya 23
(IMO No.9299082) And Ors.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.121 OF 2017**

Unique Marine ServicePlaintiff

V/s.

Malaviya Thirty (IMO No.9333515) And Anr.Defendants

**WITH
NOTICE OF MOTION NO.800 OF 2018
IN
ADMIRALTY SUIT NO.41 OF 2015**

Dvb Group Merchant Bank (Asia) Ltd.Plaintiff

V/s.

M.V. Malaviya Twenty Three
(IMO No.9299082) And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1158 OF 2015
IN
ADMIRALTY SUIT NO.11 OF 2015**

Integr8 Fuels Inc.Plaintiff

V/s.

Madhwa And Anr.Defendants

WITH

**NOTICE OF MOTION NO.726 OF 2019
IN
ADMIRALTY SUIT NO.41 OF 2015**

Dvb Group Merchant Bank (Asia) Ltd.Plaintiff

V/s.

M.V. Malaviya Twenty Three
(IMO No.9299082) And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1805 OF 2019
IN
ADMIRALTY SUIT NO.6 OF 2015**

Raj Shipping AgenciesPlaintiff

V/s.

Barge Madhwa And Anr.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.142 OF 2016**

Raj Shipping AgenciesPlaintiff

V/s.

M.V. Malaviya Thirty And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1215 OF 2019
IN
ADMIRALTY SUIT NO.65 OF 2015**

Solitaire Marine And Offshore Pvt. Ltd.Plaintiff

V/s.

M.V. Pristine Gv (IMO No.9118422) And Anr.Defendants

**WITH
NOTICE OF MOTION NO.2447 OF 2019
IN
ADMIRALTY SUIT NO.41 OF 2015**

Dvb Group Merchant Bank (Asia) Ltd.Plaintiff

V/s.

M.V. Malaviya Twenty Three
(IMO No.9299082) And Ors.Defendants

**WITH
NOTICE OF MOTION NO.1974 OF 2018
IN
ADMIRALTY SUIT NO.18 OF 2017**

Melayi Kandi JayarajanPlaintiff

V/s.

Ahtv Sangita And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.18 OF 2017**

Melayi Kandi JayarajanPlaintiff

V/s.

Ahtv Sangita And Anr.Defendants

**WITH
ADMIRALTY SUIT NO.38 OF 2018**

Amit SharmaPlaintiff

V/s.

M.V. Malaviya Thirty And Ors.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.36 OF 2018**

IDBI Bank Ltd.Plaintiff

V/s.

M.V. Malaviya Thirty Three
(IMO No.7809118) And Ors.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.8 OF 2019**

Sagar Yadav And Ors.Plaintiffs

V/s.

MSV Malaviya 36 (IMO No.8519083) And Anr.Defendants

**WITH
COMMERCIAL ADMIRALTY SUIT NO.39 OF 2018**

Capt. Jitendra Sama And Ors.Plaintiffs

V/s.

M.T. Maharshi BhavatreyaDefendant

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

Mr. V. K. Ramabhadran, Senior Advocate, Amicus Curiae.

Dr. Abhinav Chandrachud, Amicus Curiae assisted by Mr. Saurish Shetye and Mr. Shailendra A. Singh.

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

Mr. Sharan Jagtiani, Senior Advocate a/w. Ms. Surabhi Agrawal, Advocates for Official Liquidator.

Mr. Prasad Shenoy a/w. Mr. Prashant Ashar, Mr. Naishadh Bhatia, Ms. Bulbul Singh- Rajpurohit and Mr. Niraf Shroff i/b. Crawford Bayley and Co. for Plaintiff in ADMS/6/2015, ADMS/1/2015, ADMS/17/2015, COMAS/284/2015, ADMS/1/2017 and COMAS/121/2017.

Mr. Prathamesh Kamat, Advocate for Official Liquidator.

Mr. Ajai Fernandes a/w. Ms. Sneha B. Pandey for Applicant in CHS/66/2018 and for Defendant No.3 in ADMS/18/2017.

Mr. Ashwini Sinha i/b. Mr. Harsh G. Pratap for Plaintiff in ADMS/11/2015.

Ms. S. Priya a/w. Ms. Aparna Sinha, Advocates for Official Liquidator.

Mr. Kunal Naik i/b. Mr. Ashwin Shanker for Plaintiff in ADMS/20/2015, COMAS/73/2016 and ADMS/28/2017.

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

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

Mr. Kundanlal Patil i/b. Vyas and Bhalwal for Plaintiff in ADMS/18/2017.

Mr. Osama Butt i/b. Ganesh and Co. for Plaintiff in COMS/319/2016 and COMAS/8/2019.

Mr. R. P. Shirole a/w. Ms. Kunjita Shah i/b. Khare Legal Chambers for Plaintiff in ADMS/38/2018.

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

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

Ms. Lakshmi Bussa i/b. M. V. Kini and Co. for Defendant No. 9 in COMAS/36/2018.

Mr. Mahendhar Aithe, Company Prosecutor present.

CORAM : K.R. SHRIRAM, J.

DATE: 19th MAY 2020

PC.

1 I am given to understand that some of the applications listed today have already been disposed. All pending applications to be heard and decided applying the discussion and analysis set out in the judgment pronounced separately today and the principles that emerge from it.

(K.R. SHRIRAM, J)