

**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 Agencies .....Petitioner  
V/S  
Barge Madhwa And Anr. And The Board Of .....Respondent  
Trustees Of The Port Mumbai (applicant)

WITH

ADMIRALTY SUITS NO. 1 OF 2015

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

WITH

COMMERCIAL ADMIRALTY SUITS NO. 285 OF 2015

Tag Offshore Limited .....Petitioner  
V/S  
Barge Madhwa And Anr .....Respondent

WITH

ADMIRALTY SUITS NO. 6 OF 2015

Raj Shipping Agencies .....Petitioner  
V/S  
Barge Madhwa And Anr .....Respondent

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 Limited ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

WITH  
ADMIRALTY SUITS NO. 17 OF 2015

Raj Transport & Trading Company ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

WITH  
COMMERCIAL SUIT NO. 73 OF 2016

Sumayla Marine Service ....Petitioner  
V/S  
Dlb Nand Gaurav And Another ....Respondent

WITH  
ADMIRALTY SUITS NO. 20 OF 2015

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

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

COMMERCIAL ADMIRALTY SUITS 284 OF 2015

Raj Shipping Agencies Limited ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

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 Anr ....Respondent

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

Tag Offshore Limited ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

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

Raj Transport & Trading Company ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

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

In  
ADMIRALTY SUITS 6 OF 2015

Raj Shipping Agencies .....Petitioner  
V/S  
Barge Madhwa And Anr .....Respondent

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

In  
ADMIRALTY SUITS 17 OF 2015

Raj Transport & Trading Company .....Petitioner  
V/S  
Barge Madhwa And Anr .....Respondent

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

In  
COMMERCIAL ADMIRALTY SUITS 284 OF 2015

Raj Shipping Agencies Limited .....Petitioner  
V/S  
Barge Madhwa And Anr And Punj Lloyd Ltd .....Respondent  
(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 Anr .....Respondent

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

Tag Offshore Limited ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

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

Raj Shipping Agencies ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

WITH  
COMMERCIAL SUIT NO. 319 OF 2016

M/s.supreme Hydro Engineering Pvt Ltd ....Petitioner  
V/S  
M.v.tag7 [imo:9379002] And Anr ....Respondent

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 Anr ....Respondent

WITH

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

In

COMMERCIAL SUIT 73 OF 2016

Sumayla Marine Service ....Petitioner

V/S

Dlb Nand Gaurav And Anr ....Respondent

WITH

NOTICE OF MOTION (SUITS) NO. 757 OF 2017

In

ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) Ltd ....Petitioner

V/S

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

WITH

NOTICE OF MOTION (SUITS) NO. 1095 OF 2019

In

ADMIRALTY SUITS 41 OF 2015

Dvb Group Merchant Bank (asia) Ltd ....Petitioner

V/S

M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent  
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 Anr ....Respondent

WITH  
ADMIRALTY SUITS NO. 28 OF 2017

Vipu Thazhathupulikkal Purushothaman Nair ....Petitioner  
V/S  
Sale Proceeds Of M. V. Malaviya 28 And 22 Ors ....Respondent

WITH  
ADMIRALTY SUITS NO. 33 OF 2017

Durva Engineering Works ....Petitioner  
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, Imo ....Respondent  
9299082 And 5 Ors

WITH  
COMMERCIAL ADMIRALTY SUITS NO. 121 OF 2017

Unique Marine Service ....Petitioner  
V/S  
Malaviya Thirty (imo:9333515) And Anr ....Respondent

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

Dvb Group Merchant Bank (asia) Ltd ....Petitioner  
V/S  
M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent  
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 Ltd ....Respondent  
(applicant)

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

In  
ADMIRALTY SUITS 41 OF 2015

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

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

In  
ADMIRALTY SUITS 6 OF 2015

Raj Shipping Agencies ....Petitioner  
V/S  
Barge Madhwa And Anr ....Respondent

WITH  
COMMERCIAL ADMIRALTY SUITS NO. 142 OF 2016

Raj Shipping Agencies ....Petitioner  
V/S  
M. V. Malaviya Thirty And 3 Ors ....Respondent

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) Ltd ....Petitioner  
V/S  
M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent  
And 21 Ors

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

In  
ADMIRALTY SUITS 18 OF 2017

Melayi Kandi Jayarajan ....Petitioner  
V/S  
Ahtv Sangita And Anr ....Respondent

WITH  
ADMIRALTY SUITS NO. 18 OF 2017

Melayi Kandi Jayarajan ....Petitioner  
V/S  
Ahtv Sangita And Anr ....Respondent

WITH  
ADMIRALTY SUITS NO. 38 OF 2018

Amit Sharma ....Petitioner  
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 7 ....Respondent  
Ors.

WITH

COMMERCIAL ADMIRALTY SUITS NO. 8 OF 2019

Sagar Yadav And 18 Ors .....Petitioner

V/S

Msv Malaviya 36 (imo No. 8519083) And Anr ....Respondent

WITH

COMMERCIAL ADMIRALTY SUITS NO. 39 OF 2018

Capt. Jitendra Sama And 4 Ors. ....Petitioner

V/S

M.t. Maharshi Bhavatreyya .....Respondent

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, COMAS/285/2015, ADMS/1/2017 and COMAS/121/2017;  
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 Harsh G. Pratp for Plaintiff in ADMS/11/2015;  
Mr. Kunal Naik i/b Ashwin Shanker for Plaintiff in ADMS/20/2015, COMAS/73/2016 and ADMS/28/2017;  
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;  
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 Barus Chambers for  
Plaintiff in ADMS/33/2017;  
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;  
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. Sharan Jagtiani, Senior Advocate a/w Surabhi Agrawal  
Advocates for Official Liquidator;  
Ms. Aparna Sinha i/b S. Priya, Advocate for Official Liquidator;  
Mr. Prathamesh Kamat Advocate for Official Liquidator;  
Mr. Mahendhar Aithe, Company Prosecutor present;  
Dr. Abhinav Chandrachud, Amicus Curiae assisted by Mr.  
Saurish Shetye and Mr. Shailendra A. Singh;  
Mr. Prashant Pratap, Senior Advocate- Amicus Curiae/Assisted  
by Mr. Nishaan Shetty;  
Mr. V. K. Ramabharan, Senior Advocate, Amicus Curiae.

**CORAM : K.R. SHRIRAM, J**

**DATE : 12th February, 2020**

**P.C. :**

Arguments are concluded. Judgment is reserved.

**( ASSOCIATE )**