

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

**COMMERCIAL ADMIRALTY SUIT (L) NO.11283 OF 2026
WITH
JUDGE'S ORDER (L) NO. 11284 OF 2026
IN
COMMERCIAL ADMIRALTY SUIT (L) NO.11283 OF 2026**

NISYROS SPECIAL MARITIME ENTERPRISES)...PLAINTIFF

V/s.

LPG NISYROS IMO 9412062)...DEFENDANT

Mr.Zarir Bharucha, Senior Advocate a/w. Mr.Bimal Rajasekhar and
Ms.Dhwani Gala i/by Mr.Rishi Thakur, Advocate for the Plaintiff.

None for the Defendant.

CORAM : ABHAY AHUJA, J.

DATE : 29th MARCH 2026

PC. :

1. This matter has been circulated on an urgent basis requesting that this Court convene on a Sunday viz. 29th March 2026 as an urgency has been expressed that the Defendant Vessel being released by order of this Court on 27th March 2026 would leave the admiralty jurisdiction of this Court depriving the Plaintiff of security for claim of possession and control of the Defendant Vessel falling under Section 4(1)(a) of the Admiralty (Jurisdiction and Settlement of Maritime

Claims) Act, 2017 (the “Admiralty Act”) and also of USD 54,60,600 for the balance charter hire period from January 2026 to August 2026 towards loss of charter hire under Section 4(1)(h) of the Admiralty Act. Last evening a direction was sought on praecipe and circulation granted for this morning and the matter is listed at serial no.501 today.

2. At the outset, Mr.Bharucha, learned Senior Counsel appears for the Plaintiff and seeks to amend the plaint and tenders across the bar a draft amendment to the plaint, submitting that through inadvertence the reference has been to Mumbai instead of JNPT. Let the amendments be carried out forthwith. Reverification is dispensed with.

3. Mr.Bharucha, learned Senior Counsel further submits that there are two claims in respect of the Defendant Vessel by the Plaintiff who is the disponent owner of the Defendant Vessel, one is the possession and control of the said Defendant Vessel viz. LPG Nisyros (IMO 9412062), as can be seen from the correspondence addressed at pages 267 to 272 by the Advocates for the registered owners to BPCL with whom the Plaintiff had a time charter party dated 30th July 2025 initially for a period of one year commencing from 30th July 2025 and thereafter at the charterer’s option for a further period of three months.

Mr.Bharucha, learned Senior Counsel, submits that soon after the arrest of the Defendant Vessel by an order of this Court dated 30th January 2026, the time charterer by email dated 2nd February 2026 communicated through their ship brokers to the Plaintiff that the Defendant Vessel would be considered off hire due to hose disconnection at JNPT. Drawing this Court's attention to an earlier email of the same date, Mr.Bharucha submits that the time charterer viz. BPCL had expressed concern about the arrest of the Vessel and that the detention was not only causing losses but also disrupting their schedules and programs and that BPCL had no intention to get into the crossfire between the Plaintiff and the alleged owners and that BPCL would hold the Plaintiff responsible for the losses, also requesting for a substitute Vessel to fulfill the remainder of owners' contractual obligation under the charter party. Further, referring to communications dated 10th October 2025 and 23rd December 2025 from the Advocates of the registered owners to BPCL, Mr.Bharucha submits that the said correspondence clearly indicates that there is a dispute with respect to the possession and control of the Defendant Vessel and obviously in view of the time charter party with BPCL, the possession was with the Plaintiff till the arrest of the Defendant Vessel.

4. Mr.Bharucha, learned Senior Counsel, submits that since the claims are maritime claims under Section 4(1)(a) and 4(1)(h) of the Admiralty Act, this Court may direct the arrest of the Defendant Vessel which is at Navasheva port at JNPT within the jurisdiction of this Court for providing security against the said claims. Mr.Bharucha has tendered across the bar a printout from the website marinetraffic.com which indicates as at 12.42 today (four minutes ago) the Defendant Vessel LPG Nisyros (IMO 9412062) is at Nhava Sheva, India. Mr.Bharucha further submits that there is no caveat filed against the arrest of the Defendant Vessel and the same is evidenced by a certificate of a Clerk of the Execution Department as on today at 9.45 a.m.

5. Having heard Mr.Bharucha, learned Senior Counsel for the Plaintiff and having considered his submissions and also having perused the various documents and exhibits annexed to the plaint with his assistance, I am of the *prima facie* view that the claims of the Plaintiff are maritime claims within the meaning of Sections 4(1)(a) and 4(1)(h) of the Admiralty Act and the only test that has to be satisfied to arrest a ship in an action in rem is that the Plaintiff has a

maritime claim and the res/ship is identified and within the jurisdiction of this Court which criteria clearly appear to have been met.

6. Accordingly, a case for arrest of the Defendant Vessel has been made out. Ergo, in view of Sections 3 and 5 of the Admiralty Act, this Court having jurisdiction to direct arrest of the Defendant Vessel, the following order is passed :

ORDER

- (i) I order the arrest of the Defendant Vessel named LPG Nisyros, IMO 9412062, lying and being within the Admiralty Jurisdiction of this Court along with hull, engines, gears, tackles, machinery, apparels and paraphernalia lying and being presently at Nhava Sheva, JNPT or wherever in the territorial waters of India.
- (ii) Warrant of arrest is dispensed with.
- (iii) If the Defendant Vessel is found abandoned or unmanned, the office of the Sheriff shall present a report for auctioning the said Vessel upon request of the Plaintiff.
- (iv) The Plaintiff is also at liberty to file an application for sale of the Defendant Vessel provided no application for vacating the order of arrest is made.

- (v) The Judge's Order is accepted and signed separately.
- (vi) The Plaintiff's undertaking dated 28th March 2026 is accepted.
- (vii) The Plaintiff is at liberty to communicate this order to the Sheriff of Mumbai, the Master of the Defendant Vessel as well as the relevant Port including JNPT and Custom authorities by email/hand delivery.
- (viii) All concerned to act on a copy of this order, duly authenticated by the Master of this Court.

(ABHAY AHUJA, J.)