

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

**JUDGE'S ORDER NO. 14861 OF 2026
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 14856 OF 2026**

Mavitrade International FZ. Co.

...Plaintiff

V/s.

MT Bam Sandy IMO 9326914

...Defendant

Mr. Venkatesh Dhond, Senior Advocate with Mr. Kunal Mehta, Mr. Mahesh Dube, Ms. Bulbul Singh Rajput Mr. Naishadh Bhatia, Mr. Siddhart Manek and Ms. Charmi Shah i/b Crawford Bayley and Co., for the Plaintiff.

**CORAM : ABHAY AHUJA, J.
DATE : 24th APRIL, 2026**

PC. :

1. Circulation of this matter had been sought this morning, submitting that the Defendant No.1-Vessel-MT BAM Sandy IMO 9326914 (the "Defendant-Vessel") is within the admiralty jurisdiction of this Court and is likely to leave the jurisdiction of this Court after discharging the cargo, which it has been compelled to do pursuant to the order dated 16th April, 2026 of a co-ordinate Bench of this Court in Commercial Arbitration Petition (L) No. 13043 of 2026, frustrating the claim of the Plaintiff for off-hire charges, excess hire and for claim of bunker remaining on board and for under performance of the Defendant-Vessel. Accordingly, the matter has been listed on the production board at serial no. 501.

2. When the matter is called out, Mr. Dhond, learned Senior Counsel appears for the Plaintiff and tenders across the bar draft amendments to the Plaint, submitting that the said amendments are necessary and pre-trial and be permitted in the interests of justice.

3. Having heard the learned Senior Counsel and having considered his submissions, let the amendments in terms of the draft amendments be carried out forthwith. Re-verification is dispensed with.

4. Mr. Dhond, learned Senior Counsel submits that the Plaintiff is the time charterer of the Defendant-Vessel from one BAM Shipping LLC, who is the ship manager of the Defendant-Vessel under Charter Party dated 3rd December, 2025 to which there are two addendums: one on 13th December, 2025 and other on 13th February, 2026. Mr. Dhond submits that under the Plaintiff, there are a series of sub-charterers and the last of them is an entity called Nayara Energy, which has a facility located at Vadinar Port, from where the Defendant-Vessel has travelled to Mumbai Port to discharge the cargo worth Rs. 661 Crs. to the Bharat Petroleum Corporation Limited ("BPCL"), which it has been compelled to do pursuant to the order dated 16th April, 2026 in Commercial Arbitration Petition (L) No. 13043 of 2026.

5. Mr. Dhond submits that despite claims made towards off-hire of the Defendant-Vessel under the charter party, for bunkers remaining on board at the expected time of delivery at Fujairah, for excess hire paid in protest by the Plaintiff and for under performance of the Defendant-Vessel under the Charter Party and requests and reminders made for the payment of the said claims, which are maritime claims falling under Section 4(1)(d) and 4(1)(h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the “Admiralty Act”), no payments have been received and unless this Court in exercise of its powers under the admiralty jurisdiction, directs arrest of the Defendant-Vessel, no security or payment with respect to the maritime claim would be received and the claims made in the Suit would be frustrated.

6. Mr. Dhond has in support of his contentions taken this Court through various exhibits and annexures to the Plaint as well as the amendments.

7. Mr. Dhond, learned Senior Counsel submits that pursuant to the order dated 16th April, 2026, of a co-ordinate Bench of this Court in Commercial Arbitration Petition (L) No. 13043 of 2026, the Defendant-Vessel has entered Mumbai port on 24th April, 2026, to discharge its

cargo as can be seen from a printout of the website marinetraffic.com, which the learned Senior Counsel tenders across the bar, which indicates that the Defendant-Vessel is within the jurisdiction of this Court at Mumbai port as at 2.50 p.m. today.

8. Learned Senior Counsel submits that the arrest of the Defendant-Vessel would not come in the way of the discharge of the cargo by the Defendant-Vessel to the BPCL. The statement is accepted.

9. Mr. Dhond further submits that there is no caveat against the arrest of the Defendant-Vessel, which is evidenced by a certificate of the Section Officer of the Execution Department of this Court as at 4.20 p.m. today.

10. Accordingly, having heard the learned Senior Counsel and having considered his submissions and also having perused the Plaint as well as the various documents annexed to the Plaint, with the assistance of the learned Senior Counsel, in my view, a *prima facie* case for arrest of the Defendant-Vessel has been made out: there is a maritime claim under Section 4(1)(d) and 4(1)(h) of the Admiralty Act and the Defendant-Vessel is within the jurisdiction of this Court.

11. Therefore, in view of the Section 3 and Section 5 of the Admiralty Act, 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 MT BAM Sandy IMO 9326914, 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 Mumbai or wherever in the territorial waters of India.
- (ii) Warrant of arrest is dispensed with.
- (iii) 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.
- (iv) The Judge's Order is signed separately.
- (v) The Plaintiff's undertaking dated 24th April, 2026 is accepted.
- (vi) All concerned to act on a copy of this order, duly authenticated by the Associate of this Court.
- (vii) The Plaintiff is at liberty to communicate this order to the Sheriff of Mumbai, the Master / Captain of the Defendant-Vessel, the relevant Port and Custom authorities by email/hand delivery.

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2026.04.24
21:11:14
+0530

Nikita Gadgil

(ABHAY AHUJA, J.)