

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

JUDGE'S ORDER (L) NO. 18610 OF 2026

IN

COMMERCIAL ADMIRALTY SUIT (L) NO. 18600 OF 2026

Leighton Offshore Eclipse PTE Limited .. Plaintiff

V/s.

DLB Kenenna (IMO:8354562) .. Defendant

Mr. Rahul Narichania, Senior Advocate a/w Mr. Prathamesh Kamat a/w Mr. Kunal Bilaney, Mr. Ahsan Allana, Mr. Honmuz Mehta i/b J. Sagar & Associates for Plaintiff.

CORAM : FARHAN P. DUBASH, J.

**DATE : 1st JUNE 2026
(VACATION COURT)**

ORDER:

1. Mentioned. Not on Board. Taken on Production Board.
2. The above Suit, along with Judge's Order, has been moved ex-parte after the production was granted.
3. The Plaintiff seeks arrest of the Defendant Vessel for securing and/or satisfying the Plaintiff's claim. The Plaintiff has also claimed interest at one month compounded Singapore Overnight Rate Average (SORA) plus 2% on the principal sum from the date of filing of the suit till payment and/ or realization as per

the particulars of claim which is at Exhibit – A172.

4. The claim in the Suit arises under a Charter Party Agreement dated 29th August 2024, *inter-alia*, on account of (a) for losses and damages suffered by the Plaintiff in relation to the operation of its vessel Leighton Eclipse by the owners of the Defendant Vessel whilst the vessel was on charter to them; (b) non-payment of charter hire, interest on delayed payments, non-payment of crew salaries, TDS reimbursement and other supplies made to the Vessel including equipment hire, replacement parts, repairs and reinstatements. All the claims aggregate to approx. USD 18.03 million (USD 1,80,33,278.98). The Plaintiff has security in pending arbitration for USD 10.75 million pursuant to an order passed by the Arbitral Tribunal on 23 December 2025 in an application under Section 17 of the Arbitration and Conciliation Act, 1996, and now is claiming security for the balance amount of USD 6,677,472.99 plus INR 4,00,71,841.40 plus AED 4,54,906.50 plus SGD 82,402.98 (approximately USD 7,283,278.98), which is unsecured.
5. Mr. Narichania, Sr. Advocate appearing for the Plaintiff has invited my attention to an Equasis report which shows that the registered owner of the Defendant Vessel is Westfield Subsea Ltd

(“WSL”). However, the real and beneficial owner is Westfield Energy Resources Ltd (“WERL”). He points out that WSL is a shell company which is shown in the record of the Corporate Affairs Commission, Nigeria as “inactive”. He invites my attention to various paragraphs and more specifically to paragraph number 321 of the Plaintiff as well as documents which show that WSL and WERL have the same Managing Director, management team and same office address at Nigeria. Further, WERL has shown the Defendant Vessel as its asset on its website, LinkedIn, corporate profile and WERL’s media release. Mr. Narichania tendered a statement of claims and a chart showing nexus between WERL and WSL which are taken on record and marked as X-1 and X-2. Further material is shown to establish the connection between WERL and WSL. Thus, Mr. Narichania contends that WERL is the real and beneficial owner of the Defendant Vessel.

6. Mr. Narichania has invited my attention to the judgments of this Court in *Siem Offshore Redri AS v. Altus Uber reported in 2018 SCC Online Bom 2730* as well as in *OSV Crest Mercury 1 v. Vision Projects Technologies Pvt. Ltd. Reported in 2024 SCC Online Bom 1271*. This Court has in the above matters held that

an action *in rem* is maintainable for arrest of ship in respect of a maritime claim where disputes are pending in an arbitration. In light of the aforesaid judgments, the pendency of the arbitration between the Plaintiff and WERL is not a bar for this Court to entertain the present Suit and grant the order of arrest.

7. He submits that an action in rem is maintainable despite the fact that there is an in personam action pending in the arbitration. He submits that the security furnished in the arbitration is not sufficient to secure its entire claim (many of which have arisen after the order dated 23 December 2025 was passed by the Arbitral Tribunal) and hence an arrest of the Defendant Vessel is required to secure the balance unsecured claim. Mr. Narichania cites the order of this Court dated 24 March 2015 in the case of *MSC Mediterranean Shipping Company S.A. v. The State of Maharashtra (in the case of MV MSC Clementina)* to buttress his submission that the arrest of a vessel of a real and/or beneficial owner can be granted even if another company is shown as the registered owner of the vessel on paper.
8. I have heard Mr. Narichania Sr. Advocate, appearing on behalf of the Plaintiff and also considered the averments made in the Plaintiff. Perusing the Plaintiff and the annexures a *prima facie* case

for arrest of the Defendant Vessel is made out. In the present case, prima facie, the claim in the Plaintiff is a maritime claim as defined in section 4 (l) (d), (h), (l), (m) and (p) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. The Plaintiff is entitled to move against Defendant Vessel under Section 5 of the Act. I have also considered the averments in paragraph 321 of the Plaintiff and also the documents on record which reveal a prima facie nexus between the two companies, namely W.S.L and W.E.R.L.

9. In these circumstances, I find that there is a cause of action in favour of the Plaintiff to seek reliefs against the Defendant Vessel. The Defendant Vessel being at the Port/Anchorage of Dabhol Port, Maharashtra and within the territorial waters of India is within the Admiralty jurisdiction of this Court. The balance of convenience lies with the Plaintiff to whom, in my view, almost irreversible prejudice would be caused if reliefs were to be denied.
10. Advocate for the Plaintiff states that the Registry has produced the Caveat Register, and there is no valid caveat against arrest with respect to the Defendant Vessel.
11. Accordingly, I order and direct the arrest of the Defendant

Vessel, along with her hull, engines, gears, tackles, bunkers machinery, apparel, plant, furniture, fixtures, appurtenances and paraphernalia, plant and machinery at present at Dabhol port/anchorage until the satisfaction of the Plaintiff's claim.

12. I have seen the Judge's Order and it seems to me to be in the proper form and with the appropriate contents. I accept the undertakings contained in the Judge's Order as undertakings to the Court. I therefore make an order in terms of the Judge's Order in the facts and circumstances of the present case and is signed separately.
13. The Plaintiff is at liberty to forward a copy of the communication from the office of the Sheriff of Mumbai along with a copy of this order by Fax/email/hand delivery/ RPAD to the Port and Customs authorities.
14. Warrant of arrest is dispensed with.
15. After service of this Order of arrest, if the Defendant Vessel is not released by furnishing security or bail amount within eight (8) weeks of service, or an application for vacating the order of arrest is not filed, or the Defendant Vessel is found abandoned by the person in-charge of the Defendant Vessel or Owner, or is found unmanned, then, in such an event, on an application

being made by the Plaintiff, the office of the Sheriff of Mumbai shall present a Sheriff's report for auctioning the vessel within fourteen (14) days from the date of receiving communication from the Plaintiff's advocate or from the date of knowledge of abandonment of the Defendant Vessel.

- 16.** All concerned, including the Port and Customs Authorities shall act on production of an authenticated copy of this order (duly signed by the Personal Assistant / Private Secretary of this Court) or sent to them through e-mail by the Plaintiff's Advocate.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil