

IN THE HIGH COURT AT CALCUTTA
ADMILRATY JURISDICTION
(COMMERCIAL DIVISION)

AS-COM/4/2024
IA NO: GA-COM/1/2024, GA-COM/2/2024

EMAMI PAPER MILLS LTD
VS
THE O/P INTERESTED IN THE VESSEL M V PH GIANG MINH (IMO NO
9481623) AND ANR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 29th August, 2024.

Appearance:

Mr. Kuldip Mullick, Adv.

Mr. Rohit Mukherji, Adv.

Mr. Satyaki Mitra, Adv.

...for the plaintiff.

Mr. Swatarup Banerjee, Adv.

Mr. Avishek Guha, Adv.

Mr. N. Shaikh, Adv.

...for the respondent no.1.

The Court: Learned counsel for the parties contend that a settlement has been arrived at between the parties. The terms of such settlement in writing, filed in Court today, be kept on record and be made a part of this order.

On the prayer of learned counsel appearing for the owners, leave is granted to file Vakalatnama as well as Affidavit of Competence on the basis of an apostled copy of the Power of Attorney.

The parties submit that an agreed order be passed. Accordingly, the following order is passed :

The Admiralty Suit is taken up out of turn on the mentioning of the parties. The plaintiff's advocates have served notice of these proceedings for being taken up by email to the advocates of the owners of the defendant vessel, who are duly represented now before the Court.

The terms of settlement have been executed between the parties this day, which are found to be in accordance with law and are hereby admitted.

The original terms of settlement as filed are kept on the record of the suit. The vessel is permitted to be shifted by the authorities of the Syama Prasad Mookerjee Port to Haldia Anchorage but to remain there until fulfillment of the agreement constituted in the terms of settlement under arrest. The vessel shall, until further orders, remain within the territorial limit of the Syama Prasad Mookerjee Port, Kolkata (Kolkata Port) under surveillance of Coast Guard Authorities, who shall ensure presence of the vessel within this jurisdiction.

The Marshall and the Deputy Sheriff, Kolkata High Court will communicate this order to the Port, Customs and Coast Guard Authorities, who are to act on the basis of such communication.

The Admiralty Suit-COM/4/2024 shall be listed under the heading 'To Be Mentioned' on September 9, 2024 at 10.30 A.M. for recording compliance of the terms of settlement.

(SABYASACHI BHATTACHARYYA, J.)