

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

AO-COM/4/2025
WITH
AS/6/2023
IA No. GA-COM/2/2024

PROACTIVE SHIP MANAGEMENT PVT. LTD.
VS.
THE O/P INTERESTED IN THE VESSEL GREEN OCEAN I (IMO 8631697) AND
ANR.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 24th February, 2025

Appearance:

Mr. Shouveek Ray, Adv.

Mr. Niket Ojha, Adv.

...for the appellant.

Mr. Rudrajit Sarkar, Adv.

Mr. Debangshu Dinda, Adv.

...for respondent no.2.

1. Time and again the matter was adjourned in order to enable Mr. Shouveek Ray, learned Advocate appearing for the appellant to obtain necessary instructions with regard to the settlement of the dispute. However, Mr. Ray submits that he has received no instruction from the appellant.
2. However, it appears that undisputedly a settlement agreement has been entered into between the appellant and the respondent. The said settlement has been duly signed by the parties in presence of a witness. The terms appear to be lawful. The terms of settlement also has been acted upon by the parties. In fact, an amount of Rs.35 lakhs

has been paid towards settlement to the appellant by the respondent no.2 and the proof of payment has been disclosed during hearing. It appears that the appellant has received the entire settled amount in three tranches on 9th December, 2024 for Rs.12.50 lakhs, on 10th January, 2025 for Rs.12.50 lakhs and on 6th February, 2025 for Rs.9.30 lakhs.

3. Photocopies of the bank statement showing such payments are placed and taken on record.
4. In view thereof, the suit is decreed for Rs.35 lakhs.
5. The Department is directed to draw up the decree as expeditiously as possible.
6. In view of the payment of the entire settled amount, the Department shall also record satisfaction of the decree.
7. The original settlement agreement is taken on record.
8. The appeal being No. AO-COM/4/2025 and the application being IA No. GA-COM/2/2024 are disposed of.
9. In view of the aforesaid, AS/6/2023 is treated as on the days' list and disposed of in terms of the aforesaid order.
10. The Department is directed to record disposal of the suit along with the appeal and the connected application as also satisfaction of the decree.

11. Upon the decree being drawn up, the original settlement agreement shall be returned to the advocate-on-record for the respondent no.2 after retaining a photocopy thereof.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)

Spal/mg.