

IA No: GA-Com 3 of 2024
AS-Com No. 7 of 2024
IN THE HIGH COURT AT CALCUTTA
ADMIRALTY JURISDICTION
(Commercial Division)

Patanjali Foods Ltd.
Versus
M.T. Erawan 12 (IMO No. 9301366) & Anr.

Before:
The Hon'ble Justice RAVI KRISHAN KAPUR
Date: 2nd December 2024

Appearance:
Mr. Budhisatva Majumdar, Advocate
Ms. Rituparna Chatterjee, Advocate
Ms. Khushboo Choudhury, Advocate
Mr. Megha Yadav, Advocate
for the plaintiff

Mr. Krishnaraj Thaker, Sr. Advocate
Mr. Rohit Mukherji, Advocate
Mr. Satyaki Mitra, Advocate
Ms. Swastika Sengupta, Advocate
for the defendants

The Court: This is an application for modification of an order dated 18th October 2024.

It is submitted on behalf of the defendant that there is an obvious error in the order inasmuch as the order of arrest dated 18th October 2024 does not grant liberty to the applicant to seek release from arrest of the vessel M.T. Erawan 12 (IMO No. 9301366) and allow the said vessel to sail away from Indian waters upon furnishing bank guarantee by the owner in accordance with law.

It is fairly submitted that the above prayer cannot be seriously objected to by the plaintiff.

In view of the above, the order dated 18th October 2024 passed in AS-Com 7 of 2024 stands modified in terms of prayer (a) of the Notice of Motion.

The parties are directed to exchange affidavits insofar as the other prayers are concerned. Affidavit-in-Opposition be filed within two weeks from date; reply, if any, within one week thereafter.

Liberty is granted to the parties to mention this matter before the Regular Bench upon completion of the pleadings.

Liberty is granted to the plaintiff to seek additional security, if the circumstances so warrant and if entitled to in law.

Liberty is also granted to the applicant to make formal corrections to the cause title.

(RAVI KRISHAN KAPUR, J.)