



2023:CHC-OS:3559

OCD-1

IN THE HIGH COURT AT CALCUTTA  
Admiralty Jurisdiction  
ORIGINAL SIDE  
(Commercial Division)

IA NO. GACOM/12/2023  
In AS/4/2010

RASHMI METALIKS LIMITED  
Vs  
THE OWNERS & PARTIES  
INT. IN THE VESSEL M.V. VAN NICE

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 22<sup>nd</sup> December, 2023.

*Appearance:*  
*Mr. Sakya Sen, Adv.*  
*Mr. S. Nag, Adv.*  
*Mr. A. Guha, Adv.*  
*Mr. C. Gupta, Adv.*  
*Ms. A. Chopra, Adv.*  
*Ms. S. Agarwal, Adv.*  
*...for the plaintiff*

*Mr. Soumabho Ghose, Adv.*  
*Ms. Riti Basu, Adv.*  
*Ms. T. Bhattacharya, Adv.*  
*Mr. S. Banerjee, Adv.*  
*...for the defendant*

The Court : This is an application seeking renewal of a bank guarantee furnished by the defendant Owners pursuant to ad interim orders dated 14<sup>th</sup> September, and 1<sup>st</sup> October, 2010.

The suit had been dismissed for non-prosecution on 15<sup>th</sup> June, 2023. Thereafter, in an appeal preferred against the order dated 20<sup>th</sup> June, 2023, a Division Bench had restored the suit of certain terms and conditions.



It is submitted that the plaintiff was also directed to furnish a counter-guarantee Rs.1 crore. The order dated 20<sup>th</sup> June, 2023, passed by the Division Bench has been complied with and the plaintiff has allegedly taken steps in the suit. It is also submitted that the bank guarantee furnished by the defendant Owners is due to expire on the 26<sup>th</sup> of December, 2023.

The defendant Owners dispute the submissions on behalf of the plaintiff and contend that no steps have been taken in the suit. A prayer is also made for an opportunity to file an affidavit.

Let Affidavit-in-Opposition be filed one week from date. Affidavit-in-Reply thereto, if any, be filed one week thereafter.

Let this matter appear as a “Specially Fixed Matter” on 15<sup>th</sup> January, 2024.

The defendant Owners are directed to renew the bank guarantee till 31<sup>st</sup> January, 2024. Upon renewal of such bank guarantee, appropriate notice must be given to the Advocate-on-Record of the plaintiff.

The Judge’s Brief of Documents filed on behalf of the plaintiff be kept with the records.

(RAVI KRISHAN KAPUR, J.)