

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION**

**ADMIRALTY SUIT (L) NO. 119 OF 2015
WITH
CAVEAT NOS.2 AND 3 OF 2015**

Mr.Deep Arun Supekar.	...Plaintiff
vs	
DLB Nand Gaurav & Anr.	...Defendants.

Ms.Apurva Pohonerkar for Plaintiff.
Mr.Darshan Mehta with Mr.Hasmit Trivedi i/b. M/s.Dhruve Liladhar & Co. for Defendants.
Mr.Akshay Kolse-Patil with Mr.Shenoy Prasad and Mr.Naishadh Bhatia i/b. M/s.Crawford Bayley & Co. for Caveators.

CORAM : S.C. GUPTE, J.

06 FEBRUARY 2015

P.C. : Not on board. Mentioned.

In the present Admiralty suit, the first Defendant vessel is under arrest of this Court. There are two caveats filed against the release of the vessel. One caveat is by Raj Shipping Agencies Ltd., Caveat No.2 of 2015, and the other caveat is by Raj Shipping Agencies, Caveat No.3 of 2015. It is claimed by the caveators that the caveators have a claim of an amount of over Rs.19 Crores in the aggregate against the first Defendant vessel. It is agreed and undertaken by the learned Counsel for the Defendants, on instructions of Mr.R. Shanker, Head Commercial and Mr.Manoj Garg, Company Secretary, of the second Defendant company, who are present in person, that a sum of Rs.5 Crores will be paid by the Defendants by an unconditional and irrevocable Letter of Credit to Raj Shipping Agencies, caveator in Caveat No.3 of 2015, on or before 13 February 2015. Learned Counsel for the Defendants further states and undertakes, on instructions as above, to pay a sum of Rs.2 Crores to M/s.Raj Shipping Agencies in five equal monthly instalments starting from 15 March 2015. These amounts shall be adjusted by the caveators between them in the manner they choose. The caveators have proposed to file their own Admiralty Suits against the Defendants by 11 February 2015.

2 It is made clear that the vessel is allowed to be released from the arrest order of this Court dated 5 February 2015 in the present Admiralty Suit against the security in the form of the express assurance and undertaking of the Defendants recorded in this order. Further the Defendants undertake to furnish such security as may be determined by this Court on the application of the caveators in their Admiralty Suits to be filed as above. It is further assured by the learned Counsel for the Defendants, on instructions of officers of Defendant No.1 whose presence has been noted above, that the vessel, after it is released, shall be sailing within the Economic Zone of India and shall be brought within the territorial waters as and when ordered by this Court in the Admiralty Suits to be filed by the caveators. On these conditions, the vessel is ordered to be released.

3 Parties to act on the authenticated copy of this Order.

(S.C. Gupte, J.)