

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**NOTICE OF MOTION (L) NO.623 OF 2017
IN
COMMERCIAL SUIT (L) NO.543 OF 2017**

All Cargo Logistics LimitedApplicant

IN THE MATTER BETWEEN :

KPI Bridge Oil LimitedPlaintiff

Vs.

M.V. ESI ANAXDefendant

Mr. Rahul Narichania, senior Advocate a/w. Ms. S. Priya for applicant.
Mr. Bimal Rajashekhar for plaintiff.

**CORAM : K.R.SHRIRAM, J.
DATE : 28th SEPTEMBER, 2017**

PC.:

- 1 Not on board. Upon mentioning taken on board.
- 2 Defendant vessel m.v. ESI ANAX was arrested pursuant to an order dated 25th September, 2017 passed by this Court in the present suit.
- 3 Applicant has taken out a notice of motion (lodging) no.623 of 2017, seeking discharge of their cargo, presently lying in Hatch 1 on board defendant vessel.
- 4 It is clarified that though defendant vessel has been ordered to be arrested, the cargo on board the vessel is not under arrest and consequently there is no bar or impediment for the discharge of applicant's cargo which is stated to be 251 packages weighing about 343.32 tons being

high voltage direct current transformers alongwith accessories and drum pallets containing oil for transformers, from defendant vessel.

5 The counsel appearing on behalf of plaintiff states that they do not have any objection if the present application for discharge of applicant's cargo being 251 packages weighing about 343.32 tons along with accessories and drum pallets is allowed.

6 Accordingly, notice of motion (lodging) no.623 of 2017 is disposed in terms of prayer clause - (b).

7 At the request of the counsel for plaintiff, the period for service of Warrant of Arrest on defendant vessel and the Port/Customs Authorities extended until 4th October, 2017.

8 All parties to act on an authenticated copy of this order.

(K.R. SHRIRAM, J.)