

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

**NOTICE OF MOTION (L) NO.94 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT NO.63 OF 2016**

Sahara India Tourism Development)
Corporation Limited)....Applicant/Deft.No.2

IN THE MATTER BETWEEN :

Western India Shipyard Limited)...Plaintiff
V/s.

M.V.Qing & Ors.)....Defendants
And

Goa State Pollution Control Board)....Respondent

Mr.Vikramsinh Yadav for plaintiff.

Ms.Smriti Jha i/by M/s.Mulla & Mulla and Craigie Blunt and Caroe
for defendant nos.1 & 2.

Mr.Aman Rungta i/by Crawford Bayley and Co. for defendant no.3.

CORAM : K.R.SHRIRAM,J

DATE : 14.2.2018

P.C.:-

1 Prayer clauses-(a), (b) and (c) of the Notice of Motion read

as under :-

“(a) This Hon'ble Court be pleased to restrain the Goa State Pollution Control Board, Respondent herein and or its servants/agents to board the Defendant vessel, m.v.Qing, for the collection of the accumulated sample of the oil contaminated sea water within the vessel, m.v.Qing, without the leave of this Hon'ble Court and on terms and conditions as this Hon'ble Court may deem fit as to the risk and liability ;

(b) In the event of Respondent is entering the Defendant Vessel for the collection of the accumulated sample of the oil contaminated sea water within the vessel, m.v.Qing, in that event, this Hon'ble Court be pleased to hold/direct that Defendant No.2 should not be held responsible/liable for any incident or risk of life or injury caused to any person or any other consequences thereof ;

(c) Pending the hearing and disposal of this Notice of Motion, this Hon'ble Court be pleased to restrain the Respondent and/or its servants/agents to board the Defendant Vessel, m.v.Qing, for the collection of the accumulated sample of the oil contaminated sea water within the vessel, m.v.Qing.

2 On 16.1.2018 an ad-interim relief in terms of prayer clause-(c) was granted upto 24.1.2018. As nobody appeared for respondent on 24.1.2018, the ad-interim order was extended to till today i.e., 14.2.2018 to gave respondent a chance to file reply and oppose the Notice of Motion if advised. Even today, nobody is present for respondent and no affidavit in reply opposing Notice of Motion is filed.

3 Ms.Jha for the applicant states that they will file affidavit of service within one week from today.

4 In the circumstances, none of the averments in the affidavit in support are controverted by respondent. Others have no objection

to the grant of reliefs sought in this Notice of Motion because no reliefs are sought against others.

5 In the circumstances, Notice of Motion is allowed in terms of prayer clauses-(a) and (b).

Notwithstanding disposal of the Notice of Motion, all office objections to be removed and Notice of Motion to be numbered within a period of one week.

(K.R.SHRIRAM,J)