

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

**NOTICE OF MOTION NO. 139 OF 2018
IN
ADMIRALTY SUIT NO. 44 OF 2015**

The Board of Trustees of the
Port of Mumbai

....Plaintiff

V/s.

M.V.Kamal XXVI and Ors.

....Defendants

Mr.Ajai Fernandes a/w Ms.Sneha Pandey i/by Motiwalla & Co.
for plaintiff.

Mr.B.B.Nayak for defendant nos.2 & 3.

Mr.S.D. Chitgopikar, Deputy Sheriff of Mumbai present.

CORAM : K.R.SHRIRAM, J.

DATE : 21ST MARCH 2018

P.C.

1. The Deputy Sheriff states that he has received a valuation report from M/s.Ericson and Richards Surveyors Private Limited pursuant to order dated 21st February 2018 read with order dated 9th March 2018.

2. The valuation report is in a sealed envelope and the same has not been opened by this Court. The Deputy Sheriff is directed to retain the valuation report without opening the seal. The Deputy Sheriff is directed to issue advertisement of sale of the first defendant vessel in Navshakti and

Free Press Journal, both Mumbai editions and take all steps to complete sale and make a report to this Court for confirmation of the sale as per the time line below :-

(a) Meeting of concerned advocates and parties for settling the terms and conditions of auction sale and issue of public advertisement of auction in the newspapers, The Free Press Journal and Navshakti – 28th March 2018;

(b) Inspection by attending bidders from 28th March 2018 to 7th April 2018;

(c) Last date for submission of bids to the Sheriff of Mumbai- 9th April 2018.

(d) Opening of bids and confirmation of the offer by the highest bidder by the Court- 11th April 2017 at 3.00 p.m.

(e) Payment of purchase price as per agreed terms and conditions of sale- 27th April 2018.

3. Plaintiff has deposited a sum of Rs.5 lakhs towards costs and expenses of the valuation, publication and sale. Shri Fernandes for applicant, on instructions, states that if there is a shortfall, since Deputy Sheriff stated that the Valuer's fees itself is about Rs.2,50,000/-, the same

will be paid by plaintiff within one week of receiving a communication from the Deputy Sheriff. The amount deposited and to be deposited will be treated as expenses to rank first in order of priorities and shall be reimbursed to applicant/plaintiff immediately from the sale proceeds being deposited with the Deputy Sheriff.

4. Any party seeking to inspect the first defendant vessel is allowed to take inspection at Mumbai Port at its own costs. The Port and Customs authorities at Mumbai to provide necessary assistance to the prospective buyer/bidder.

5. The Deputy Sheriff shall not disclose the reserve price in the advertisement placed and all the bidders shall give an EMD of 25% of the offer that they wish to make with a minimum of Rs. 50 lakhs.

The Computer Section of this Court to also upload the notice of sale to be published by the Sheriff of Mumbai in the High Court website, suitably.

6. Notice of motion disposed in the above terms.

7. Suit be listed on 11th April 2018 for opening of bids.

(K.R. SHRIRAM, J.)