

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

**COMMERCIAL ADMIRALTY SUIT (L) NO. 19 OF 2018
AND
JUDGES ORDER NO. 106 OF 2018**

ETC AGRO PROCESSING (INDIA) PVT LTD ...PLAINTIFF

VERSUS

MV TANAIS DREAM (IMO NO. 9283899) ...DEFENDANT

Mr.Rahul Narichania, senior advocate a/w. Mr.Arjun Mittal a/w. Ms. Varsha Ramann and Mr.Mayank Suri i/b Bose & Mitra &Co., Advocates for Plaintiff.

Mr.Vishal Muglikar i/b Kaushik S. Krishnaswamy, Advocates for Defendant.

CORAM :- K.R. SHRIRAM, J.
DATE :- 11th JUNE 2018

PC :-

1. Mentioned. Not on board.

2. The Plaintiff filed this suit claiming damages for alleged contamination of cargo and prayed for arrest of the defendant-vessel to secure its claim. The vessel came to be arrested by an order dated 31st May 2018.

3. Advocate for the Plaintiff submits that the Plaintiff has accepted the Defendant's offer to secure Plaintiff's claim by way of P&I club Letter of

Undertaking dated 8th June 2018 in the sum of USD 1,600,000.00 and is ready and willing to refer disputes in this suit to arbitration in London under English law. A copy of the LOU is tendered by Shri Narichania, Advocate for Plaintiff and the same is taken on record and marked 'X' for identification. In light of same, the Plaintiff seeks to withdraw the above Commercial Admiralty Suit. Plaintiff is allowed to withdraw the Suit.

The above Commercial Admiralty Suit is disposed accordingly.

4. Caveat against Release book has been produced. There is no caveat against release of the Defendant Vessel.

5. The Order of arrest dated 31st May 2018 stands vacated. The Defendant Vessel stands released and is allowed to sail out. Formal Instrument of Release is dispensed with.

6. Liberty to serve the copy of this order through fax and email. All concerned authorities, including Port and Customs authorities to act on a copy of this order duly authenticated by the Associate of this Court and communicated to them by email/fax/courier/hand delivery.

7. Refund of Court Fees, if any, as per rules.

8. Shri Narichania submits that in view of the judgment of this Court in *Sinica Graeca Shipping Limited Vs. M.T. Chemroad Mega* ¹, there is no poundage payable. Shri Narichania fairly states that the State Government has preferred an appeal but there is no stay. It is made clear in case this judgement of the learned Single Judge is reversed and finally it is decided that poundage is payable then the Plaintiff will pay the poundage in accordance with Rules.

(K.R. SHRIRAM, J.)

1 2018 SCC OnLine Bom 485