

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
JUDGES ORDER NO.188 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT (L) NO.67 OF 2019**

Seabridge Bunkering PTE Ltd. ..Plaintiff
Vs.
FV FU Yuan YU 057 (IMO No.8786404) & Anr ..Defendants

Mr. Vikrant Shetty i/b Taurus Legal for Plaintiff/Applicant
Mr. Satish d. Chitgopekar, Dy. Sheriff of Mumbai present

**CORAM : K.R.SHRIRAM, J.
DATE : 18th NOVEMBER 2019**

PC.:

1 Mr. Shetty states that after defendant vessel was arrested, nobody has come forward to furnish security/ bail and have the vessel released. Mr. Shetty states that defendant no.2, who was the owner, also has not entered appearance. The vessel was ordered to be arrested pursuant to an order dated 4-10-2019. More than 6 weeks have passed and nobody has entered appearance.

2 In the circumstances, in my view, it is a fit case that the vessel to be sold and following order is passed:-

(a) The vessel to be valued by Ericson and Richards Surveyors Private Limited (E & R), who shall inspect the vessel and submit a valuation in a sealed envelope indicating the price if the vessel was sold for scrapping / breaking and for trading. Report to be submitted by 2-12-2019. The contents of the report shall not be disclosed to

anybody. Copy of the report shall also not be provided to any one, including plaintiff and the owners.

(b) Meeting to settle the auction sale of defendant vessel FV FU Yuan YU 057 (IMO No.8786404) on or before 19-11-2019 at 12.30 p.m.

(c) Publication of advertisement in Free Press Journal, Nav Shakti and Trade Winds Online Edition on or before 25-11-2019.

(d) Inspection by interested bidders from 25-11-2019 to 04-12-2019.

(e) Last date for submission of bids with EMD of Rs.1 crore to the Sheriff of Mumbai – 05-12-2019 upto 5.00 p.m.

(f) Opening of bids and confirmation of the offer by the highest bidder by the court – at 3.00 p.m. on 6-12-2019.

(g) Payment of balance purchase price on or before 20-12-2019.

(h) The cost and expenses of the valuation, publication and sale as mentioned above, shall be initially borne by plaintiff. Plaintiff shall on or before 25-11-2019, deposit a sum of Rs.6,00,000/- for the purpose of valuation and advertisement with the Sheriff of Mumbai or such further amount as the Sheriff of Mumbai may seek in case of deficit towards the cost of inspection and valuation and the advertisement expenses, publication of sale notice etc. Such expenses will be treated as Sheriff's expenses to rank first in order of priorities and shall be reimbursed immediately from the sale proceeds being deposited with the Admiralty Registrar of this court.

3 Sheriff's report No.47 of 2019 accordingly disposed.

4 Plaintiff to serve the writ of summons upon defendant no.2 within four weeks by courier, fax, email, by speed post and apart from usual mode of service through the office of Sheriff of Mumbai.

5 Stand over to 6-12-2019.

(K.R. SHRIRAM, J.)