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

**INTERIM APPLICATION NO.1 OF 2019**
**IN**
**COMMERCIAL ADMIRALTY SUIT (L) NO.51 OF 2019**

Samson Maritime Limited ....Plaintiff
Vs.
M.T. NU SHI Nalini (IMO No.9619608) and Anr. ....Defendants

**WITH**
**COMMERCIAL ADMIRALTY SUIT NO.52 OF 2019**

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Mr. Abhimanyu Singh i/b. S. Priya for plaintiff in COMASL/51/2019.
Ms. Bulbul Singh-Rajpurohit I/b. Crawford Bayley and Company for plaintiff in COMAS/52/2019.
Mr. Vishal Seth i/b. Mr. Bimal Rajasekhar for defendant nos.1 and 2 in COMASL/51/2019.
Mr. Amrut M. Vernekar for defendant no.3 and for applicant in IA/1/2019 in COMASL/51/2019.
Mr. Ruchir Goenka i/b. Bose and Mitra and Company for defendant no.3 in COMAS/52/2019.
Mr. Manoj Khatri a/w. Mr. Arnab Ghosh for Salvers.

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**CORAM : K.R.SHRIRAM, J.**
**DATE : 10th DECEMBER 2019**

**P.C.:**

1 All counsel appearing, in unison, state that defendant no.1 vessel is in such a condition that she has to be sold immediately, of course once the salvage exercise is completed. Mr. Vernekar appearing for the Mormugao Port Trust states that Mr. Khatri's clients are salvaging the vessel on a contract entered into with the Port, the vessel is expected to be brought alongside today and latest by 12th December 2019 the exercise of removing the cargo on board the vessel will be completed. Mr. Vernekar states that from 13th December 2019 the vessel can be made available for inspection to

any party interested in purchasing the vessel. Mr. Seth appearing for the owners states that the owners have no objection if the vessel is sold and sale proceeds can be parked with the Admiralty Registrar/Prothonotary and Senior Master, High Court, Bombay and all claimants can make claims against the sale proceeds and the Court can distribute the amount on the basis of priorities to be determined in accordance with law. Counsel also state that M/s. J.B. Boda, Insurance and Surveyors and Loss Assessors Private Limited be appointed as Valuers to inspect the vessel. The Sheriff of Mumbai shall also fix the terms and conditions of sale, issue advertisement and take all steps to complete the sale and make a report to this Court for confirmation of the sale. The schedule for the above is fixed as under :

(a) M/s. J.B. Boda, Insurance and Surveyors and Loss Assessors Private Limited is appointed as Valuers to inspect the vessel and submit their valuation in a sealed envelope to the Sheriff of Mumbai indicating the price for selling it as scrap/breaking or for trading;

(b) M/s. J.B. Boda to inspect the vessel within three days of receiving a communication from Mormugao Port Trust or the Deputy Sheriff of Mumbai informing them that the vessel is ready for inspection. The Port with the assistance of the salvors shall also indicate that the vessel is gas free. The valuation report to be submitted to the Sheriff of Mumbai in a sealed envelope within one week of inspection being completed.

(c) meeting of concerned advocates and parties for settling the terms and conditions of auction sale to be completed by 13th December 2019 and the Sheriff of Mumbai to issue auction notice in Free Press Journal, Navshakti and the online edition of TradeWinds by 17th December 2019.

(d) inspection by intending bidders from 17th December 2019 to 24th December 2019.

(e) last date for submission of bids alongwith Earnest Money Deposit of Rs.2 Crores to the Sheriff of Mumbai by 31st December 2019.

(f) opening of bids and confirmation of the offer by the highest bidder by the Court on 3rd January 2020 at 3.00 p.m.

2 The costs and expenses of the valuation, publication and sale as mentioned above shall be initially borne by the Mormugao Port Trust. Mormugao Port Trust shall deposit a sum of Rs.10 lakhs 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 Sheriff.

3 Stand over to 3rd January 2020 at 3.00 p.m.

**(K.R. SHRIRAM, J.)**