

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(Commercial Division)

IA NO. GA/22/2023
WITH
AS 11/2018
In
APO/180/2019

RIGVEDA MARITIME PTE. LIMITED
Vs
SOHOM SHIPPING PVT LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY
Date : 16th December, 2024.

Appearance:

Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Ritzu Ghosal, Sr. Adv.
Mr. Anirban Ghosh, Adv.
...for the applicant.

Mr. Prathamesh Kamat, Adv.
Mr. Zoeb Cutlerywala, Adv.
Mr. Dwip Raj Basu, Adv.
... for Phoenix Legal.

1. This is an application for appropriate order of injunction and appropriation of certain amounts from the erstwhile solicitor of the present applicant in view of perceived wrong being caused to the applicant towards receiving amounts in terms of the order dated 5th August, 2022.
2. On 5th August, 2022, on the basis of a terms of settlement, the suit was decreed and disposed of. Under the terms of settlement, Phoenix

Legal was supposed to remit requisite share of the settlement sum to its nominated foreign account after deducting legal fees, charges, expenses, reimbursement, bank charges and commission as applicable, subject to the Reserve Bank of India permissions wherever applicable.

3. After the matter was disposed of, it is now being contended on behalf of the applicant that due to various misconduct of Phoenix Legal, the authority of the said legal firm to represent the applicant was withdrawn and it is strenuously argued that Phoenix Legal had remitted the amount to the Russian entity without an express mandate from the applicant and in violation of the instruction of the applicant.
4. This dispute, in our view, cannot be adjudicated on the basis of Clause 3 of the settlement terms which has been urged before us by Mr. Thaker, learned senior counsel representing the applicant. Moreover, it appears that Phoenix Legal has in its affidavit disclosed an agreement between the Russian legal firm and the present applicant and it is being clearly stated that Phoenix Legal was appointed by the Russian legal firm to represent the applicant in India. Accordingly, Phoenix Legal is also under an obligation as an attorney appointed by the Russian legal firm to remit the legal expenses as they have been raised by the Russian legal firm for conducting the matter.

5. In view of the aforesaid facts and circumstances, we are of the view that this application is not maintainable and no relief can be granted to the applicant in this proceeding.
6. The application stands dismissed.
7. However, this order shall not preclude and prevent the applicant to take appropriate steps in accordance with law.
8. The supplementary affidavit filed in Court today be kept with the record.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)