

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
COMMERCIAL ADMIRALTY SUIT (L) NO. 6607 OF 2021
ALONGWITH
JUDGE'S ORDER (L) NO. 6613 OF 2021

VesselCo 10 Pte Ltd. And Ors.

....Plaintiffs

V/s.

GP Asphalt I and Ors.

....Defendants

Mr. Prashant S. Pratap, Senior Advocate a/w. Mr. Kumar Abhishek Singh, Mr. Shubham Agrahari, Mr. Nishant Bhatia, Mr. Siddharth Singh, Mr. Rohan Mathur and Mr. Nishaan Shetty i/b. Anoma Law Group LLP for Plaintiff/Applicant.

CORAM : K.R.SHRIRAM, J.
DATED : 9th MARCH 2021.

P.C. :

1. Defendant No.2/3 had chartered plaintiffs vessel "Torm Astrid" under a Voyage Charterparty ("Voyage Charter") dated 20th May, 2020 for carriage of a cargo of gasoil from Ruwais to 1-2 ports in UAE.

2. According to plaintiffs when the vessel arrived at destination, the original bill of lading was not available with the receiver and based on letter of indemnity dated 3rd June, 2020 given by Defendant No.2 who is the parent company (100% owner of Defendant No.3) and Defendant No.3 owns Defendant No.1 vessel, plaintiffs delivered the cargo of gasoil without surrender of bill of lading. Defendants did not honour the letter of

indemnity and plaintiffs were saddled with a claim from the bank which was holding the bills of lading. Mr. Pratap submits that therefore, plaintiff has claim against defendants and plaintiff's claim is a maritime claim covered under Section 4 (1) (f), (g) and/or (h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

3. Mr. Pratap submits, as avered in paragraph no.37 of the plaint, Defendant No.2/3 and its Directors have been involved in multiple frauds and have used same modus operandi against other unsuspecting parties. Mr. Pratap submits that there are multiple proceedings pending against defendant no.2/3 and its Directors in various jurisdictions.

4. Perused plaint and documents annexed thereto with the assistance of Mr. Pratap. Prima facie case for arrest is made out. Mr. Pratap states on instructions that as at 1.50 p.m., today there is no caveat entered in the caveat warrant book against arrest for Defendant No.1 vessel. The caveat book is also presented in the court and the associate of this court states that there is no caveat entered.

5. Judge's order for arrest of Defendant No.1/vessel is signed separately.

Plaintiff is at liberty to forward a copy of the communication from Sheriff of Mumbai forwarding this order by fax/e-mail/hand delivery/

RPAD through court and customs authority.

The undertaking of plaintiff's advocates that the warrant of arrest will be served upon Defendant No.1 vessel, port and customs authorities within one week from today is accepted.

6. All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)