

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

JUDGE'S ORDER NO.49 OF 2022

IN

COMMERCIAL ADMIRALTY SUIT (L) NO.17470 OF 2022

Winstar Shipholding SA .. Plaintiff

v/s.

MT AEON (IMO No.9576818) .. Defendant

Mr. Balaji Harish Iyer a/w Ram Jay Narayan i/b. Ashwin Shanker for the plaintiff.

CORAM : A. K. MENON, J.

DATED : 6TH JUNE, 2022.

P.C. :

1. This is an application moved on urgent basis for arrest of the defendant vessel based on claim unpaid dues for supply of bunker to the defendant per particulars of claim at Exhibit "O". The balance outstanding is said to be paid due under two invoices, copies of which are appearing at Exhibits "G" and "L". The supplies were made pursuant to purchase orders issued at Exhibit "E" and Exhibit "J".

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2. The defendant is seen to have acknowledged liability through its owners in the email dated 12th May, 2022 forming part of Exhibit “N”.
3. In these circumstances, I pass the following order;
 - (i) I order the arrest of defendant-vessel “*MT AEON (IMO NO.9576818)*” lying and being within the admiralty jurisdiction of this court, along with hull, engines, gears, tackles, machinery apparels and paraphernalia lying and being presently in berth at the Port of Mumbai or wherever in the territorial waters of India.
 - (ii) Pursuant to this order, if the defendant-vessel is found abandoned or unmanned, the office of the Sheriff shall present a report for auctioning the vessel upon request of the plaintiff.
 - (iii) Plaintiff is also at liberty to file an application for sale of the vessel; provided no application is made for vacating the order of arrest.
 - (iv) Judge’s Order has been signed separately.
 - (v) Plaintiff’s undertaking dated 4th June, 2022 is accepted.

(vi) Sheriff and parties to act on authenticated copy of this order which may be served by Facsimile and E-mail in addition to hardcopy.

(vii) Warrant of Arrest is dispensed with.

(A. K. MENON, J.)