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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the First day of July Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

WMP.No.16253 of 2022

IN WP.No.15514 of 2022

1 M/S.GRACE GROUP SINGAPORE [PETITIONERS]
PRIVATE LTD.,
1, NORTH BRIDGE ROAD, NO.07-10,
HIGH STREET CENTRE,
SINGAPORE- 179094.

2 M/S. JBJL LOGISTICS,
107/68A, MILLARPURAM, TUTICORIN,
TAMIL NADU- 628 008.

Vs

1 ATLANTIC STRAITS, [RESPONDENTS]
FIRST FLOOR GOPALA KRISHNA COMPLEX,
RESIDENCY ROAD, BENGALURU,
KARNATAKA- 560 025
REPRESENTED BY POWER OF ATTORNEY HOLDER,
MR.V.B.SIVARAMAN, S/O.BALASUBRAMANIAM,
AGED 57 YEARS,
RESIDING AT 4/7, 3RD STREET,
EAST ABIRAMAPURAM, MYLAPORE,
CHENNAI-600 004.

2 SEAPORT SHIPPING PVT.LTD
DHEEM ESTATE, FIRST FLOOR, NEW NO.85,
MOORE STREET, CHENNAI- 600 001.
REPRESENTED BY ITS GENERAL MANAGER

3 CHENNAI PORT TRUST
1 RAJAJI SALAI,
CHENNAI- 600 001
REPRESENTED BY ITS CHAIRMAN

4 THE BOARD OF TRUSTEES
CHENNAI PORT TRUST,
1 RAJAJI SALAI, CHENNAI- 600 001.



5 THE TRAFFIC MANAGER,
CHENNAI PORT TRUST,
1 RAJAJI SALAI,
CHENNAI- 600 001.

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the Interim order of injunction dated 23.06.2022 in W.M.P. No.15356 of 2022 in W.P.No.15514 of 2022 with costs(WMP.No.16253 of 2022)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.VASUDEVAN, Advocate for the petitioners, the court made the following order:-

This Court while entertaining the writ petition on 23.06.2022, by an interim order directed the 3rd respondent to mark a lien over the balance cargo that was available in the vessel and which was lying in the Port of Chennai and not taken delivery by the 5th respondent for the non-payment of the balance freight amount of USD \$ 26409. This Court also made it clear that if the 4th respondent settles the claim of the petitioner and produce a discharge receipt or in the alternative furnishes a Bank Guarantee for the balance freight amount, the lien marked over the cargo shall stand withdrawn.

2. The 5th respondent has filed a memo before this Court and has stated as follows :-

2. Without prejudice to the case of the 5th Respondent on merits, it offers Security for the Claim of the Writ Petitioners of US \$ 26,409/- in Indian Rupee equivalent.

3. The 5th Respondent is the Consignee of the Salt in Bulk Cargo and is the actual affected party. The 5th Respondent, as affected party, is providing Security in the form of a Fixed Deposit Receipt from The Tamil Nadu Mercantile Bank Ltd, a Schedule of the Writ Petition for the Writ Petitioners claim amount of Bank, valid till 29.03.2024 which will be renewed till the disposal US \$ 26,409/-.

4. The 5th Respondent is producing the original Fixed Deposit Receipt bearing Account No.106200400701175 for Rs.20,92,915/- which is the Indian Rupee equivalent of US \$ 26409 at the closing rate of Rs.79.25 as on 29.06.2022 as certified by the Tamil Nadu Mercantile Bank Limited.



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5. *The 5th Respondent humbly prays that this Hon'ble Court be pleased to receive the Original Fixed Deposit Receipt drawn in favour of the Registrar General, Madras High Court dated 29.06.2022 for Rs.20,92,915/- and vacate the Order of Interim Injunction as prayed for in W.M.P. No. 16253 of 2022 without prejudice to the case of the 5th Respondent on merits.*

3. The learned counsel for the 5th respondent submitted that since it will take some time for furnishing Bank Guarantee, the 5th respondent has deposited the amount claimed by the petitioner in a Fixed Deposit drawn in favour of the Registrar General, Madras High Court and the learned counsel further submitted that the fixed deposit can be renewed from time to time pending disposal of the writ petition. It was also made clear that this deposit is made without prejudice to the case of the 5th respondent on merits.

4. The learned counsel for the petitioner submitted that the offer made by the 5th respondent is in substantial compliance of the interim order passed by this Court on 23.06.2022 and hence, the memo filed by the 5th respondent can be recorded and this submission was made without prejudice to the case of the petitioner on merits.

5. In view of the above, the original fixed deposit receipt that is drawn in favour of the Registrar General, Madras High Court dated 29.06.2022 for a sum of Rs.20,92,915/- is accepted as a substantial compliance of the interim order passed by this Court on 23.06.2022 and it is made clear that the lien mark over the cargo shall stand withdrawn. There shall be a further direction to the Registrar General, Madras High Court to renew the Fixed Deposit from time to time pending disposal of this writ petition.

6. This writ miscellaneous petition is disposed of accordingly.

-sd/-
01/07/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN,
CHENNAI PORT TRUST
1 RAJAJI SALAI,
CHENNAI- 600 001



2 THE BOARD OF TRUSTEES
CHENNAI PORT TRUST,
1 RAJAJI SALAI, CHENNAI- 600 001.

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3 THE TRAFFIC MANAGER,
CHENNAI PORT TRUST,
1 RAJAJI SALAI,
CHENNAI- 600 001.

COPY TO

1 THE REGISTRAR GENERAL,
HIGH COURT, MADRAS-104.

2 THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT, MADRAS-104.

3 THE CORRESPONDENT SEAT,
CURRENTS SECTION,
HIGH COURT, MADRAS-104.

(Original Fixed Deposit receipt is enclosed herewith)

C.C. to M/S.S.VASUDEVAN Advocate SR.NO.5159/2022

Order
in
WMP.No.16253 of 2022

IN WP.No.15514 of 2022

Date :01/07/2022

From 26.2.2001 the Registry is issuing certified
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GS(01/07/2022)