

IN THE HIGH COURT AT CALCUTTA
Admiralty Jurisdiction
ORIGINAL SIDE

AS/2/2016
PURTI VANASPATI PVT LTD
VS
THE O & P INT. IN THE VESSEL M.T.FENG HAI 21

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 29th September, 2023.

Appearance:
Mr. K.R. Thakkar, Adv.
Mr. Anurag Bagaria, Adv.

Mr. Soumabho Ghose, Adv.
Mr. Pradipta Bose, Adv.
Mr. N. Banerjee, Adv.

The Court: The plaintiff seeks a decree for Rs.4,43,70,154/-.

The cause of action in this suit arises out of wrongful withholding of the goods belonging to the plaintiff. Pursuant to the filing of the suit, the defendant vessel was arrested by an order dated 2 August, 2016 and subsequently released. The Owners had furnished security for the entire claim of the plaintiff by way of a bank guarantee. The bank guarantee has been extended from time to time.

The hearing of the suit had been deferred at the request of the parties to arrive at a settlement.

The defendant Owners submit that they are willing to pay a sum of USD 1,00,000/- to the plaintiff in full and final settlement and accordingly the suit be disposed off.

Admittedly, the defendant Owners had furnished security in terms of order dated 12 August, 2016 and the same has been kept valid and subsisting till

date. The offer of the defendant to pay a sum of USD 1,00,000 is accepted. However, there must be payment additionally on account of interest and costs. Such additional payment is also commercially prudent and justified.

In such circumstances, I direct that the defendant Owners should pay an aggregate sum of Rs.1,00,00,000/- (One crore only) in full and final settlement of the claims in the suit which includes the interest, costs and all other expenses. The amount shall be paid within four weeks from the date of this order, failing which the same would carry interest at the rate 9% per annum.

Upon payment of the aforesaid sum, the bank guarantee bearing no.160135IBGF00080 dated 29 August, 2016 furnished by the defendant owners shall stand discharged and the original of the same lying deposited with the Registrar/ Master, High Court in terms of an earlier order of Court, shall be returned to the Advocates or an authorized representative of the defendant Owners.

In view of the aforesaid, AS/2/2016 stand decreed. All connected applications stand disposed of.

(RAVI KRISHAN KAPUR, J.)