

OCD-4

ORDER SHEET

AS/4/2023

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

BANK OF INDIA
VS
THE OWNERS AND PARTIES INTERESTED IN THE VESSEL
MT. R.M. 7 (IMO NO. 9230268)

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th September, 2023.

Appearance:

*Mr. Anurag Bagaria, Adv.
...for the plaintiff*

*Mr. Swatarup Banerjee, Adv.
Mr. Kuldip Mullick, Adv.
Mr. Aditya Sarkar, Adv.
...for the defendants*

*Mr. Ashok Kr. Jena, Adv.
...for Port authorities*

The Court: The advocate-on-record of the plaintiff as well as learned counsel appearing for the defendants hand up an order passed by the High Court of the Republic of Singapore dated 6th September, 2023 which records that the plaintiff, who is the defendant in the Singapore High Court proceedings, agreed to take immediate steps for release of the vessel from arrest in the proceedings commenced by the plaintiff in this Court. This is pursuant to parties agreeing to resolve their disputes in an arbitration seated

in Singapore and the defendants before this Court securing the entire amount of USD 4,543,758.99.

The written instructions on behalf of the plaintiff is also placed before the Court which records that the plaintiff shall withdraw the Admiralty Suit and ensure that the vessel is released forthwith.

The advocate-on-record appearing for the Kolkata Port Trust submits that there are charges due from the defendants on account of shifting, berthing and plot charges.

After hearing learned counsel and the advocates-on-record for the plaintiff and the KoPT, AS/4/2023 along with all connected applications are disposed of subject to the defendants paying the charges claimed by the Port within seven days from the defendants receiving the estimate of such charges. The KoPT shall issue No Demand Certificate within two days from the date on which the defendants clear the charges. The vessel shall be released from the Haldia Port within 48 hours from the KoPT issuing the No Demand Certificate.

The Customs and Port authorities along with CISF will act on this order as communicated by the respective advocates-on-record of the parties. The communication shall be effected by the advocates through electronic mail, as prayed for.

(MOUSHUMI BHATTACHARYA, J.)