

ODSL 1

ORDER SHEET
I.A.G.A.(COM) NO. 1 of 2024
AS-COM/5/2024
IN THE HIGH COURT AT CALCUTTA
ADMIRALTY JURISDICTION
(COMMERCIAL DIVISION)
ORIGINAL SIDE

MARINECRAFT ENGINEERS PRIVATE LIMITED
VS
THE OWNERS AND PARTIES INTERESTED IN VESSEL M T QIAN TAI 1 AND
ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 20th September, 2024.

Appearance:
Mr. Anubhav Sinha, Adv.
Mr. Nikhil K. Roy, Adv.
Ms. Shilpa Das, Adv.
Ms. Shruti Shaw, Adv.
Ms. Sreemantini Mukherjee, Adv.
..For the plaintiff

Mr. K. Thaker, Adv.
Mr. Soumik Kundu, Adv.
...For the defendant No. 2

The Court: By an order dated 13th September, 2024 a vessel by the name M T Qian TAI 1 and carrying the flag of Liberia was arrested while it was anchored near sandheads off Haldia. It is submitted by the parties that they have entered into an out of court settlement, the terms whereof is recorded in a document titled as "Settlement Agreement and Release" dated 20th September, 2024 (hereinafter referred to as the said document).

The said document has been signed by the parties. The learned Advocates on record for the respective parties are also present in Court.

The receipt appended at the last page i.e. page 6 of the said document is, however, blank and unsigned. Parties submit that certain portion of the payment has been made and the residual amount will be paid in future for which the blank receipt is appended. The said document is taken on record.

On a perusal of the said document, the same appears to be a lawful agreement

Considering the submissions made by the parties and the said document titled as “Settlement Agreement and Release”, the suit being AS-COM/5/2024 is decreed by treating it on the day’s list and treating the said document termed as “Settlement Agreement and Release” dated 20th September, 2024 as part of the decree.

The suit and all connected applications are, accordingly, disposed of.

The order of arrest stands discharged and the vessels M T Qian TAI 1 is directed to be released.

The Marshal of this Court is directed to communicate the order of settlement of the suit, discharge of the order of arrest and direction to release the vessel to the authorities of Shama Prasad Mookerjee Port, Kolkata, the customs Authorities, the Administration at District- Purba Medinipur, the Coast Guard authorities, Central Industrial Security Force as also the Marine Police for giving effect to this order.

The decree be drawn up expeditiously.

(ARINDAM MUKHERJEE, J.)