

IA No. GA-Com 1 of 2023
APOT No. 457 of 2023
with
AS No. 6 of 2023
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ADMIRALTY JURISDICTION
CIVIL APPELLATE JURISDICTION
(Commercial Division)

Proactive Ship Management Pvt. Ltd.
Versus
The Owners And Parties interested
in the Vessel Green Ocean I & Anr.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 3rd January 2024

Appearance:
Mr. Swatarup Banerjee, Advocate
Mr. Shouveek Ray, Advocate
Mr. Shariful Haque, Advocate
Mr. Niket Ojha, Advocate
for the appellant

Mr. Reetobroto Kr. Mitra, Advocate
Mr. Rudrajit Sarkar, Advocate
Mr. Debangshu Dinda, Advocate
Mr. Varun Kothari, Advocate
Ms. Vansikha Newar, Advocate
for the respondent

The Court: Order in terms of prayer (a) of the stay petition.

We propose to dispose of the appeal today itself dispensing with all formalities.

Mr. Reetobroto Mitra, learned advocate for the ship owner assures the court that the vessel in question Green Ocean I, which is registered in India would be plying within Indian territorial waters in the islands under the Andaman And Nicobar administration.

The said administration including the port, customs and other statutory authorities are directed to ensure that the vessel plies within the above area.

Learned counsel also assures the court that no third party interest would be created in respect of the said vessel.

The point that the suit ought to be dismissed on the grounds mentioned in Order VII Rule 11 of the Civil Procedure Code is kept open to be decided at the appropriate stage.

Any future liability incurred in respect of the said vessel would abide by the judgment and decree to be passed in the suit.

We feel on the above condition the suit and any interim application in support thereof may proceed before the learned single judge. Any observations made by us are to be taken as tentative only.

The appeal (APOT 457 of 2003) and the connected application (GA-Com 1 of 2023) are disposed of.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

R. Bose