

Vina Khadpe

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.14530 OF 2024
IN
COMM. ADMIRALTY SUIT NO.6 OF 2024

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**...Applicant /
Plaintiff**

Versus

MV ZHONG GU LIN YI (IMO NO.9809215)

**...Defendant /
Respondent**

Mr. Dhruva Gandhi, Mr.naishadh Bhatia, Mr. Prasad Kamthe i/b.
Crowford Bayley & Co. for the Plaintiff.

Mrs. Naira Jejeebhoy along with Mr. Ruchir Goenka, Ms. Sneha
Goud, Ms. Vedika Bhadoria i/b. Bose & Mitra & Co. for the
Defendant.

CORAM : R.I. CHAGLA J.

DATE : 3RD MAY, 2024.

ORDER :

1. By this Interim Application, the Applicant has sought a
direction to the Registry of this Court to take on record the written
statement on behalf of the Applicant.

2. In the Application, it is stated that the Applicant is a foreign Company having its office in China. The Applicant undertook all reasonable efforts to expeditiously gather the requisite documents and information pertinent for the proper and just adjudication in the Suit. Further, it is stated that since the present proceedings pertain to transactions between the Plaintiff and a third party that the Applicant has no involvement with, for an alleged bunker supply that occurred in October, 2023, the Applicant faced difficulties and delays in its efforts to verify the facts and obtain the requisite documents and information and therefore took time to complete the process of providing instructions for setting out the true and correct facts before this Court. Further, as the Applicant is based in China there have been logistical difficulties in coordinating with its Advocates in India resulting in delays in finalization of the written statement. The Writ of Summons was served on the Advocates on 7th March, 2024. If that was taken into consideration, time to file the written statement from the date of service of Writ of Summons, the Application is filed within time. However, even if the timelines for filing the written statement commenced from the date of order of Arrest of Vessel, i.e. on 19th February, 2024, the time bar of 120 days for filing the written statement would not have lapsed. Accordingly if there was delay, if

any, the same may be condoned by this Court.

3. Having considered the averments in the Interim Application, there is sufficient cause shown for condoning the delay, if any, in filing the written statement. The written statement is filed within the permissible time limit i.e. 120 days from the service of writ of summons.

4. Learned Advocate for the Applicant has tendered the original written statement which is taken on record.

5. Accordingly, the relief sought in the Interim Application is required to be granted. Hence, the following order:

- (i) Registry of this Court is directed to take on record the written statement of the Applicant.
- (ii) Interim Application is accordingly disposed of.
- (iii) There shall be no order as to costs.

7. Commercial Admiralty Suit No.6 of 2024 shall be placed for framing of issues on 25th June, 2024.

[R.I. CHAGLA J.]