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A.No.5129 of 2023

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in
C.S.(Comm Div).No.227 of 2023

C.SARAVANAN, J.

The learned Advocate Commissioner has executed the warrant and has taken symbolic delivery of the seized barge and handed over to Mr.Ashish Chopra, Director, Sea Pride Management and Consulting Service, the applicant herein.

2. The report of the learned Advocate Commissioner dated 25.03.2024 is taken on record.

3. Paragraph 9 of the report dated 25.03.2024 filed by the Advocate Commissioner reads as under:-

“9. I state that the project consultant had informed me that separate permission was required by the applicant if it was interested in repairing the vessel and removing it from the base. As this was not within the scope of my warrant, I had informed him of the same.”



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4. In view of the above it is open for the applicant to move suitable application with the concerned authority for repairing the barge to make it seaworthy before it is moved from its present location.

5. Considering the efforts taken by the learned Advocate Commissioner in executing the warrant pursuant to order passed by this Court on 05.02.2024, Court is inclined to order a further additional remuneration of Rs.30,000/- to the learned Advocate Commissioner. Applicant is directed to pay the same to the learned Advocate Commissioner within two weeks from today.

6. In view of the submission made, second sentence in Paragraph 6 of the order dated 05.02.2024 in Appln.No.5129 of 2023, is modified to be read as follows:-

“6. Interim custody of the seized Barge shall be handed over to the applicants for safe keeping, after obtaining due acknowledgement receipt from the applicants.”



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7. Registry is directed to incorporate the above correction in the order dated 05.02.2024 in Appln.No.5129 of 2023 and issue fresh order copy to the respective parties.

8. The other portions of the order dated 05.02.2024 in Appln.No.5129 of 2023 shall stand confirmed.

9. It is made clear that it will be the responsibility of the applicant to ensure that the barge is seaworthy before it is towed out or moved out of the present location.

10. With the above observation and direction, the application stands closed.

27.03.2024

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