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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 75/2024 & I.A. 5115/2024**

AVENIR MARITIME PTE LTD

..... Petitioner

Through: Mr Balaji Harish Iyer, Mr Utkarsh Joshi
& Ms Anjali Menon, Advocates. (M:
7349360143)

versus

RASHTRIYA ISPAT NIGAM LTD AND ANR.

..... Respondents

Through: Mr. Ankit Chaturvedi and Mr. Shubham
Agarwal, Advs. for R-1. (M:
8077916921)
Ms. Lalit Mohini Bhat, Ms Saumya
Tandon & Mr Anirud Bhat, Advs. for R-
2. (M: 9810907029)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **04.03.2024**

1. This hearing has been done through hybrid mode.

I.A.5115/2024 (for exemption)

2. This is an application seeking exemption from filing original/certified/legible copies of the annexures. Original documents shall be produced/filed, if sought, strictly as per the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015) and the Delhi High Court (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.

O.M.P.(I) (COMM.) 75/2024

5. This is a fresh petition under Section 9 of the Arbitration and



Conciliation Act, 1996 seeking interim reliefs. The issue in the present case pertains to non-payment of bills by the Respondent No.1.

6. A Charter Party Agreement was entered into between the parties on 8th December, 2023 for the carriage of limestone from the United Arab Emirates (“UAE”) to India. According to the Petitioner, the bill of lading for limestone cargo, which was supplied, was also issued on 13th December, 2023. The Vessel with the Cargo is stated to have arrived at the discharge port on 23rd December, 2023 and due date of payment was on 30th December, 2023. However, since the payment has not been made for the sum of US 1,090,955.72 (approximately Rs.8.5 crores), the Petitioner has been constrained to file the present petition.

7. The Petitioner in the matter prays for attachment of the coking coal belonging to Respondent No 1, having right, interest and title over the coal. The coking coal belonging to Respondent No.1 is stated to have a market value of USD 100 per MT, and thus it is prayed by the Petitioner to attach 12,445.56 MT of coking coal to secure the its claims.

8. Respondent No.1 on receiving an advance copy of the petition now makes a submission that he has received instructions that due to financial difficulties, the payment was not made by the said Respondent.

9. However, Respondent No.1 now undertakes to make the said payment within eight weeks. Accordingly, an affidavit of undertaking by a competent person for the Respondent No.1 shall be placed on record before the Court stating that the payment shall be made within eight weeks. The said undertaking is accepted on behalf of the Respondent No.1 as made by the Counsel. The payment shall be made within eight weeks, failing which action in accordance with law including for contempt would be liable to be



initiated.

10. The present petition is disposed of binding the Respondent No.1 to the said statement. The affidavit shall be filed within one week on behalf of the Respondent No.1.

11. Petition is disposed of in the above terms. Pending applications, if any, are also accordingly disposed of.

PRATHIBA M. SINGH, J.

MARCH 4, 2024/dk/bh