

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION**

**INTERIM APPLICATION NO.2237 OF 2025
IN
ADMIRALTY SUIT NO.6 OF 2015**

THE BOARD OF MUMBAI PORT AUTHORITY)...APPLICANT

IN THE MATTER BETWEEN

RAJ SHIPPING AGENCIES)...PLAINTIFF

V/s.

BARGE MADHWA AND OTHERS)...RESPONDENTS

Mr.Dhruva Gandhi a/w. Mr.Naishad Bhatia i/by M/s.Crawford Bayley & Co., Advocate for the Plaintiff in ADMS/6/2015.

Mr.Ajai Fernandes a/w. Mrs.Nina Motiwalla, Ms.Janhavi Kandekar, Ms.Anjali Kotecha i/by Motiwalla & Co., Advocate for the Defendant no.3.

Ms.Harsha Uppal a/w. Mr.Akash Manwani i/by AZB & Partners, Advocate for the Defendant no.2.

CORAM : ABHAY AHUJA, J.

DATE : 4th JULY, 2025

PC. :

1. This Interim Application seeks a direction to pay Rs.29,500/- incurred by the Port authority towards valuation fees paid to the Valuer pursuant to orders of this Court along with accrued interest from September 2020.

2. Mr.Fernandes, learned Counsel, appearing for the Port authority submits that pursuant to order dated 3rd August 2018 this Court (Coram : K.R. Shriram, J., as His Lordship then was) had directed the Port authority to appoint a suitable Valuer to value the Vessel and submit a report to the Court. That, thereafter, the Valuer was appointed and by order dated 17th December 2019, the auction schedule was fixed and in paragraph 2 of the said order it was directed that the Port authority deposit a sum of Rs.5,00,000/- as costs towards the fees payable to J. B. Boda and costs of fresh advertisement and that the said amount together with any amount paid by Mumbai Port Authority to the Sheriff of Mumbai for auctioning the vessel, would be paid first out of the sale proceeds immediately upon the Sheriff of Mumbai receiving the sale proceeds. That, in case of deficit, the same would also be reimbursed first out of the sale proceeds.

3. Mr.Fernandes submits that pursuant to the said order, the Vessel was sold in auction and the sale proceeds had been deposited with the Prothonotary & Senior Master of this Court. That, earlier from the sale proceeds, a sum of Rs.14,15,859/- including the expenses etc. to be paid as first priority have been received. However, through inadvertence, a sum of Rs.29,500/- spent by the Port authority for

getting the Vessel valued by the Valuer, remained to be recovered, and therefore in the year 2020, a request was made by the Advocate for the Port authority to the Sheriff, however, the Sheriff by his communication dated 22nd January 2020 responded by submitting that since the said amount has not been referred to as Sheriff's expenses in the order dated 3rd August 2018, a Court order would be necessary. Mr.Fernandes submits that the Sheriff as well as the Port authority missed out on the order dated 17th December 2019, and therefore, albeit delayed, this application has been made in view of the response of the Sheriff's office.

4. Mr.Dhruva Gandhi, learned Counsel, appearing for the original Plaintiff and Ms.Harsha Uppal, learned Counsel, appearing for the Respondent no.2 – liquidator, have no objection if this Court directs reimbursement of Rs.29,500/- along with accrued interest from September 2020 to the Port authority.

5. Having heard the learned Counsel and having considered their submissions, in view of the aforesaid discussion, this Court directs the Prothonotary & Senior Master, High Court, Bombay, to make payment of Rs.29,500/- along with accrued interest on the said amount from

September 2020 to the Applicant herein from the sale proceeds of Barge Madhwa, after due verification, within a period of three weeks.

6. The application, accordingly, stands allowed and disposed

(ABHAY AHUJA, J.)