

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

**INTERIM APPLICATION NO. 2641 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO. 20 OF 2023**

CAPTAIN NEERAJ PRAKASH GANDHI)...APPLICANT

IN THE MATTER BETWEEN

CAPTAIN NEERAJ PRAKASH GANDHI)...PLAINTIFF

V/s.

**SALE PROCEEDS OF M V TAG NAVYA AND ANR.)...DEFENDANTS
AND
COMMERCIAL ADMIRALTY SUIT NO. 20 OF 2023**

Ms.Urusah M.I. i/by Dave & Co., Advocate for the Applicant.

None for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 27th JUNE 2025

PC. :

1. This Interim Application seeks summary judgment against the sale proceeds of the Vessel M V Tag Navya (IMO No.8819081) in respect whereof the priority of claims have already been decided in Commercial Admiralty Suit No.85 of 2021 on 22nd November 2022 where the claim of the Applicant has been ranked as first priority.

2. Ms.Urusah, learned Counsel for the Applicant, draws this Court's attention to paragraph 11 of the said order dated 22nd November 2022 which indicates that the Applicant / Plaintiff has a maritime lien as a crew member for the amount of Rs.14,53,000/-. It is observed that the summary judgment has been sought for a sum of Rs.14,63,000/- after deducting TDS as per rules.

3. Ms.Urusah submits that the Applicant / Plaintiff was employed as Chief Officer on the Vessel vide Contract letter dated 16th August 2018 and was to receive Rs.4,20,000/- per month. Articles of Agreement were signed by the ship owner company on 17th August 2018. The Plaintiff has worked as Chief Officer from 17th August 2018 to 8th January 2019 and draws this Court's attention to Sea Service Certificate issued in favour of the Plaintiff. The Plaintiff was on board Vessel for a period of 145 days. Learned Counsel submits that the same can also be corroborated from the Time Sheet dated 8th January 2019. That, he did not withdraw any cash advances for the period 17th August 2018 to 8th January 2019. That, the Plaintiff was in receipt of email dated 8th November 2018 from the owner of the said company which contained a payment schedule, which was submitted by the ship owner

of the company to the Director General of Shipping for approving the payment schedule of the seafarers. It is submitted that certain payments from October 2018 to December 2018 as part payment of the wages was made and Rs.5,67,000/- was credited through NEFT to the Plaintiff's account less TDS. It is submitted that the company has failed to disburse the balance dues as per the schedule. The total wages earned by the Plaintiff during the period of his was Rs.20,30,000/- out of which only an amount of Rs.5,67,000/- has been received, leaving the balance of Rs.14,63,000/-. Ms.Urusah submits that the Plaintiff has also a Minimum Safe Manning Certificate and the Certificate of Compliance with MLC 2006. That, being the Chief Officer on board the Vessel, he could not sign off from the Vessel unless he was relieved from his duties by some one who was in continuity of his rank. It is only on 8th January 2019 that the Plaintiff was relieved and allowed to sign off the ship.

4. It is submitted that grievances have been raised by the Seafarers with the Shipping Master of Mumbai for non-payment of wages by the ship owners. It is submitted that thereafter, the Vessel was sold pursuant to the order dated 30th September 2020 passed by this Court for a sum of USD 2.412 million to one M/s. Talent Mile Limited and the

sale proceeds had been deposited by the purchaser with the Prothonotary & Senior Master of this Court.

5. It is submitted that corporate insolvency resolution proceeding (“CIRP”) was initiated against the owner of the vessel viz. Tag Offshore Limited under the Insolvency and Bankruptcy Code, 2016 (“IBC”). It has been submitted that owner of the Vessel has been ordered to be liquidated.

6. It is submitted that pursuant to the sale of the Vessel, the Vessel was tugged away from the Port on 19th October 2020.

7. It is submitted that in Interim Application (Lodging) No. 8364 of 2020 by order dated 18th December 2020, this Court had directed the Sheriff of Bombay to publish notice under Section 1088 of the Bombay High Court (Original Side) Rules, 1980, inviting claims against the Defendant no.1 Vessel or the proceeds of sale thereof and the Applicants were called upon to institute a Suit within a period of ninety days from the publication of the said notice. Pursuant to the said directions, the Sheriff of Mumbai had published the notice on 22nd December 2020 calling upon the persons to lodge claims within ninety

days from the date of publication. That, pursuant to the said notice, the Applicant / Plaintiff filed Interim Application No.496 of 2021 seeking his wages. The Interim Application No.496 of 2021 was converted into Commercial Admiralty Suit No. 20 of 2023 on 16th December 2022.

8. From paragraph 6 of the order dated 22nd November 2022 it is observed that priorities have been determined by the said order dated 22nd November 2022 in Interim Application (Lodging) No.25181 of 2022 in Commercial Admiralty Suit No. 85 of 2021 and other connected matters under Section 10(1)(a) read with 9(1)(a) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the “Admiralty Act”) and that the Plaintiff / Applicant’s claim amount of Rs.14,53,000/- has been determined as first priority.

9. None appears for the Defendants. Since the Vessel has been arrested earlier, it is not necessary to serve the writ of summons. It has been submitted that there are sale proceeds of the Vessel M V Tag Navya lying with the Prothonotary & Senior Master, sufficient to pay for the Plaintiff’s claim for unpaid wages.

10. I have perused the copies of the Contract, Seamen's book, Competency Certificate which are annexed to the plaint. From perusal of the Employment Contract, the Passport extract, the Seamen's book, the Statement of wages as well as the admission in paragraph 9 of the Affidavit-in-reply of the liquidator of the owner of the Vessel, I am satisfied that the conditions of the Order XIII-A of the Code of Civil Procedure, 1908 ("CPC") as applicable to commercial disputes, are met and that there is no real prospect of any one successfully defending the claim nor is there any other compelling reason as to why the claim of the Applicant to the extent of Rs.14,53,000/- should not be allowed before recording of oral evidence.

11. Accordingly, the Applicant / Plaintiff is entitled to a Summary Judgment under Order XIII-A of the CPC to the extent of Rs.14,53,000/-.

12. The Suit is decreed for a sum of Rs.14,53,000/- less TDS to be paid by the Prothonotary & Senior Master from the balance of the sale proceeds of the Vessel M V Tag Navya (IMO No.8819081) to the Plaintiff in his bank account by way of NEFT at the rate of 6% with effect from the date of lodging of the Suit viz. 2nd January 2023.

13. In view of the order passed in this application, the Suit stands summarily disposed as also the Interim Application.

14. Drawn up decree is not dispensed with.

15. The Applicant/Plaintiff is, however, at liberty to take out an application in the disposed Suit for the purpose of pay out as priorities have already been decided by order dated 22nd November 2022 in Interim Application (Lodging) No.25181 of 2022 in Commercial Admiralty Suit No. 85 of 2021 and connected matters.

(ABHAY AHUJA, J.)

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