SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
D1-55			CLCON No.43 of 2025 **Hon'ble Ravindra Maithani, J.** Mr. Manoj Kumar, Standing Counsel for the Union of India. Mr. Aayush Gaur, Advocate, who had earlier represented the petitioner, submits that he is not appearing for the petitioner today, as the petitioner has not instructed him, which means that the petitioner remains unrepresented today. In the instant matter, the petitioner has brought to the notice of the Court that the order dated 04.12.2024, passed by this Court in WPMS No.786 of 2023, Mohit Prahalad Joshi Vs. Union of India and Others, has been wilfully disobeyed by the respondents. Learned counsel for the respondents submits that response has already been filed by the respondents. He submits that pursuant to the order dated 04.12.2024, a speaking order has already been passed by the respondent no.2. He submits that the Court had directed the respondent no.2 to conduct an enquiry within one month by a reasoned and speaking order, but, according to learned counsel for the respondents, the enquiry could not be concluded by the respondent no.2 as it has no jurisdiction. He has referred to the detailed order, which is extracted as follows:- "3. While the matter remained pending inquiry, the Hon'ble High Court of Uttarakhand at Nainital, vide its order dated 04.12.2024 in WP No.786 of 2023, directed the Directorate General of Shipping to conclude the inquiry within one month from receipt of the certified copy of the Court's order (received on 16.12.2024) and to pass a reasoned and speaking order. 4. In compliance with the said order, the DGS instructed the Director Seamen Employment office (DSEO) to conduct a personal hearing in which both parties- the Seafarer and the RPSL holder – were summoned and duly

heard. The hearing was conducted on 01.07.2025, and detailed submissions from both parties were taken into record.

5. On examination of the facts it has been established that the alleged incident took place abroad MT Valle Bianca, a vessel flying the flag of Malta, while in foreign territorial waters. As United Nations Convention on the Law of the Sea (UNCLOS), and Merchant Shipping Act, 1958, the matter squarely falls within the jurisdiction of the Flag State- in this case, the Republic of Malta.

6. Furthermore, it has been observed that the nature of the allegations, particularly that of extortion, are criminal in nature and fall outside the adjudicatory scope of the DGS. A parallel criminal case FIR is also pending before the Marine Drive Police Station, Mumbai, relating to the same incident. The DGS shall consider the outcome of these proceedings in any final decision, as applicable.

7. Given the above, it has been concluded that the DGS does not have primary jurisdiction to adjudicate the substantive merits of the complaint. Accordingly, the matter has been formally referred to the Maritime Authority of Malta for investigation into the alleged MARPOL violations and determination of the seafarer's role in the incident.

8. Meanwhile, the INDoS number of the seafarer (01NL3232) shall remain temporarily blocked pending the outcome of an external investigation. Final administrative action on the matter shall be taken based solely on the findings of the competent authority of the Flag State (Malta)."

The respondent no.2 has considered the matter and proceeded with the enquiry; taken the submissions of the parties, but it was concluded that the jurisdiction falls within the territorial jurisdiction of Republic of Malta, and the allegations of extortion are criminal in nature and falls outside the adjudicatory scope of the respondent no.2.

In view of it, it cannot be said that the order of this Court has been wilfully disobeyed. Accordingly, nothing survives in this petition. It stands disposed of, accordingly.

(Ravindra Maithani J.)
31.10.2025

RV