



\$~64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P.(I) (COMM.) 319/2024 and CCP(O) 27/2025

HMM COMPANY LTD

.....Petitioner

Through: Mr. Pavan Narang, Senior Advocate
with Mr. Sahil Chopra, Mr. Nitin Gupta and Mr.
Yash Tewari, Advocates.

versus

RASHTRIYA ISPAT NIGAM LIMITED & ANR.Respondents

Through: Mr. Brijender Chahar, ASG along
with Mr. Amitesh Mishra, Mrs. Ritwik Sneha, Ms.
Pooja Chahar, Mr. Karan Chahar and Mr.
Venkatesh Kaushik, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

27.05.2025

1. This petition is filed by the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking the following reliefs:-

“(i) Pass an order directing Respondent No. 1 to secure the Petitioner’s claim by furnishing security in the form of a cash deposit or an unconditional Bank Guarantee of a nationalized bank in the sum of US\$ 1,575,174.88 (Rs.132,267,434.67/-) which includes US \$ 1,519,693.99 towards 90% freight + US \$ 30,000 costs +US \$ 25,480.89 being interest on US \$ 1,519,693.99 @ 12% pa from 17th July 2024 until the date hereof alongwith further interest @ 12% pa on US \$ 1,519,693.99 from the date hereof until payment or realization;



(ii) In the interim or alternative, if cargo belonging to and/or assigned to Respondent No. 1 is lying at Gangavaram port, then pass an order of injunction against Respondent No. 1, its servants and or agents and or assigns from taking delivery, physical or constructive or moving the cargo lying at the Gangavaram Port to the tune of 6,300 Mts or causing attachment of 6,300 Mts of the cargo lying at Gangavaram Port premises of Respondent No. 2 and/or any other moveable /immoveable assets of Respondent No. 1;

(iii) Pass an order of injunction against Respondent No. 2 and its servants and/or agents and/or assigns from giving delivery or causing delivery to be given, physical or constructive to Respondent No. 1, its servants and or agents and/ or assigns of the cargo to the tune of 6,700 MTs lying at the Gangavaram Port premises of the Respondent No. 2 to be moved from its present position;

(iv) Pass an order of attachment of the cargo lying at the Gangavaram Port premises of Respondent No. 2 and/or any other moveable/ immoveable assets of Respondent No. 1;

(v) Pass an order directing Respondent No. 1 to bear all costs, charges, expenses, and levies of any kind whatsoever in the exercise of the cargo of Respondent No. 1 being utilized as security towards unpaid freight and demurrage, including storage and maintenance;

(vi) For ad interim reliefs in terms of prayer (i) to (v) hereinabove.

(vii) Grant costs of the present proceedings and of those incidental thereto in favour of the Petitioner and against the Respondent; and

(viii) pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the render justice."

2. Mr. Brijender Chahar, learned ASG appearing for Respondent No. 1 on instructions from Mr. P. Vinodh, DGM (MM), who is a senior officer,



submits that the total amount admittedly due to the Petitioner is Rs.11.75 Crores, out of which a sum of Rs.5.10 Crores shall be paid to the Petitioner on or before 30.06.2025 and the balance amount will be paid on or before 30.08.2025. The undertaking is taken on record.

3. In case, for any reason, the said Respondent does not adhere to the undertaking given to the Court, consequences in law shall follow. Additionally, Petitioner will be at liberty to revive this petition.

4. The petition along with pending application is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 27, 2025/RW