

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

**INTERIM APPLICATION NO. 1598 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO. 18 OF 2022**

**The Board of Mumbai Port Authority ...Applicant/Plaintiff
V/s.
DLB Nand Gaurav & Ors. ...Respondents/Defendants**
**WITH
INTERIM APPLICATION NO. 707 OF 2023**

Mr. Ajai Fernandes with Mr. D. N. Motiwalla, Mrs. Nina Motiwalla, Mr. Rooshesh Motiwalla, Ms. Janhavi Kandekar and Ms. Anjali Kotecha i/b Motiwalla and Co. for the Plaintiff.

Mr. Rahul Narichania, Senior Advocate with Mr. Gopalkrishna Nayak and Ms. Ritika Kudia i/b Flavia Legal for the Defendant No. 4.

Mr. Subir Kumar with Ms. Vaishnavi Pawar and Ms. Ashita Aggarwal i/b SDS Advocates for the Defendant No.5.

**CORAM : ABHAY AHUJA, J.
DATE : 13th MARCH, 2026**

P.C. :

1. Pursuant to the order dated 6th March, 2026, today when the matter is called out, Mr. Narichania, learned Senior Counsel appears for the Applicant in Interim Application No. 707 of 2023 and submits that in order dated 6th March, 2026 in paragraph 7 the word 'filed' be substituted by the word 'received'.

2. Let the said error be corrected. Rest of the order remains as it is.
Let the corrected order be uploaded as soon as possible.

3. Mr. Narichania, learned Senior Counsel submits that he has learnt that the reply dated 2nd April, 2025 was in fact filed on behalf of the Respondent No. 5- IDBI Bank Limited. Learned Senior Counsel submits that perusal of the paragraphs 5, 6 and 12 of the said affidavit in reply clearly indicate that the Respondent No. 5 had no objection to the determination of priorities and the Applicant's claim.

4. Mr. Fernandes, learned Counsel appearing for the Applicant-Port Authority in Interim Application No.1598 of 2025 also agrees with the submissions made by Mr. Narichania, learned Senior Counsel, however, submitting that the Interim Application No. 1598 of 2025 for Summary Judgment filed on behalf of the Port Authority be also considered.

5. Mr. Subir Kumar, learned Counsel appearing for the Respondent No.5-IDBI Bank Limited relies on the affidavit dated 2nd April, 2025 and submits that while any dispute between the IDBI Bank Limited and the Applicant in the Interim Application No. 707 of 2023 would be agitated in an appropriate forum, this Court may in view of the affidavit dated 2nd April, 2025, proceed to determine the priorities in terms of the table at paragraph 4 of the order dated 6th March, 2026.

6. Mr. Narichania, learned Senior Counsel appearing for the

Applicant in Interim Application No. 707 of 2023 and Mr. Fernandes, learned Counsel appearing for the Applicant in Interim Application No. 1598 of 2025 also submit that this court may proceed to determine the priorities in terms of the table in paragraph 4 of the order dated 6th March, 2026.

7. Having heard the learned Counsel and having considered their submissions, in accordance with Section 9 read with Section 10 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the “Admiralty Act”) read with the order dated 5th April, 2024 in Commercial Admiralty Suit No. 16 of 2023, the priorities of claims in respect of DLB Nand Gaurav, MMSI: 419900783 are determined as under:

Sr. No.	Suit No.	Name of Parties	Amount	Nature of Claim	Status of Suit	Priorities
1	Commercial Admiralty Suit no. 16 of 2023	Suraksha Asset Reconstruction Ltd vs Sale proceeds of DLB Nand Gaurav	Rs. 5,47,10,557/- plus interest at the rate of 11% p.a. from 25/11/2021 till payment and/or realisation	Sheriffs Expenses	Suit Decreed vide order dated 05/04/2024	Sheriffs Expenses
2	Commercial Admiralty Suit no.18 of 2022	The Board of Mumbai Port Authority vs DLB Nand Gaurav	Rs. 9,90,30,203/- plus interest at the rate of 15% p.a. on the principal	Statutory charges (maritime lien) under section	Decree pending	First

			sum of Rs.8,94,40,5 14/- from 01/10/2021 till payment and/or realisation	4(1)(n) r/w 9(1) (d) and 10(1)(a)		
3	Commercial Admiralty Suit no. 16 of 2023	Suraksha Asset Reconstructio n Ltd vs Sale proceeds of DLB Nand gaurav	Rs. 479,96,43,08 0.33 plus interest at the rate of 11% p.a. from 16-09- 2022 till payment and/or realisation	Mortgage e under section 4(1)(c) r/w 10(1) (b)	Suit Decreed vide order dated 05/04/202 4	Second
4	Commercial Admiralty Suit no. 50 of 2022	Axis Trustees Services Ltd. & anr vs DLB Nand Gaurav	US\$2,76,91,4 21.56 alongwith interest @ 10.837380 % from 01/04/2023 till the date of decree and a further sum of Rs.3,40,07,8 90/-towards preservation and maintenance of the defendant- vessel.	Mortgage e under section 4(1)(c) r/w 10(1) (b)	Decreed vide Order dated 05/04/202 2 (Partially paid Rs. 56,57,82,6 91/- plus Rs. 3,40,07,89 0/- vide order dated 20/03/202 3 to IDBI Bank)	Second

8. The claim with respect to the Sheriff's expenses will take first. From the balance remaining claimants, the Port Authority will take first, subject of course to the pending Suit to be decreed. From the balance that remains, the claimants whose priorities have been

determined as second will take equally.

9. It is clarified that the payment out on the basis of the aforesaid priorities will be subject to the amount decreed in the Suits.

10. Mr. Narichania, learned Senior Counsel appearing for the Applicant submits that this Court may also direct the payment out of the Sheriff's expenses in the matter as by order dated 5th April, 2024, the Commercial Admiralty Suit No. 16 of 2023 has been decreed.

11. Accordingly, the Applicant in Interim Application No. 707 of 2023 is permitted payment out in accordance with the amounts mentioned in the table above, subject to due verification by the Prothonotary & Senior Master of this Court.

12. The Interim Application according stands disposed.

13. As regards the Interim Application No. 1598 of 2025 in Commercial Admiralty Suit No. 18 of 2022, list the same on **27th March, 2026 on the supplementary board.**

14. The payment out in respect of the other claims would be made in accordance with the decrees passed.

(ABHAY AHUJA, J.)