

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

INTERIM APPLICATION (L) NO.5505 OF 2026
IN
SUIT NO. 188 OF 2025

Alphard Maritime Ltd.

Applicant /
.. Ori. Plaintiff

IN THE MATTER BETWEEN

Alphard Maritime Ltd.

.. Plaintiff

Versus

J M Baxi Marine Services Private Ltd.

.. Defendant No.1

WITH
INTERIM APPLICATION NO. 72 OF 2026
IN
SUIT NO. 188 OF 2025

J M Baxi Marine Services Private Ltd.

Applicant /
.. Ori. Defendant No.1

IN THE MATTER BETWEEN

Alphard Maritime Ltd.

.. Plaintiff

Versus

J M Baxi Marine Services Private Ltd.

.. Defendant No.1

WITH
INTERIM APPLICATION NO. 74 OF 2026
IN
SUIT NO. 188 OF 2025

Samson Maritime Limited and Anr.

Applicant /
Ori. Defendant
.. Nos.13 and 14

IN THE MATTER BETWEEN

Alphard Maritime Ltd.

.. Plaintiff

Versus

J M Baxi Marine Services Private Ltd. and Ors.

Defendant Nos.1
.. to 14

WITH
INTERIM APPLICATION NO.7448 OF 2025
IN
SUIT NO.188 OF 2025

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- Ms. Jimisha Dalal A/W. Ms. Nitansha Nema, Advocates i/by Singularity Legal LLP for Plaintiff.
 - Mr. Nitesh Jain, Mr. Atul Jain, Ms. Juhi Mathur, Ms. Prerna Shankar, Ms. Rudhdi Walawalkar and Ms. Niyati Dasondi, Advocates i/by Trilegal for Defendant No.1 in Suit No.188 of 2025.
 - Mr. Rohit Balani, Advocate i/by Pioneer Legal for Defendant Nos.8 to 10.
 - Mr. Anirban Sen, Advocate for Defendant No.11.
 - Mr. Joran Diwan, Advocate i/by Diwan Law Associates for Applicants in Interim Application No.74 of 2026 / Org. Defendant Nos.13 and 14.
 - Ms. Shyamali Gadre a/w. Mr. Ashwin Kulkarni, Advocates i/by Little & Co. for Respondent No.12 – Saraswat Bank.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 18, 2026.

P.C.:

1. Heard learned Advocates appearing for the respective parties.

2. The Consent Terms in the present case are nomenclatured as Resolution Agreement dated 05.02.2026. It is appended at Exhibit-A, page Nos.11 to 41 to the Consent Terms. They are executed by Captain Alok Kumar (Director), for and on behalf of Alphard Maritime Limited and Mr. Ashwin Mohan Samant (Joint Managing Director) for and on behalf of Samson Maritime Limited. They are present in Court and identified by their respective Advocates. Appended to Consent Terms as Annexure – A is the list of 14 Agreement / Documents. The resolution of Company is appended at page Nos.37 to 41. By consent

of parties, order is passed in terms of Consent Terms dated 05.02.2026 are taken on record. The parties shall be entitled to certified copy of the entire Consent Terms which is taken on record and marked 'X' for identification. The original Consent Terms are appended at Exhibit 'A' to Interim Application (L) No.5505 of 2026 at page Nos.11 to 41.

3. Rights and obligations stated in the Consent Terms dated 05.02.2026 and Resolution Agreement are taken as undertaking given to this Court. All parties shall abide by the same.

4. Liberty to apply.

5. Order in terms of Consent Terms.

6. Refund of Court fees as per Rules.

7. The Registry shall issue the refund certificate within a period of two weeks from today on the basis of a server copy of this order. The refund certificate shall be submitted by Plaintiff to the Collector of Stamp Duty, First Floor, Old Customs House, Mumbai which is the concerned office. Copy of this order shall also be served on the Collector of Stamps, First Floor, Old Customs House, Mumbai.

8. I am informed by several Plaintiff who seek such refund that an extraordinary long period of time is taken for refund of the Court fees from the Collector's Office and thereafter from the Pay and Accounts Office. Collector of Stamps shall personally look into this and

ensure that the Plaintiff is refunded the Court fees on presentation of a server copy of this order and the refund certificate / letter is issued within a period of four weeks thereafter at the highest. Plaintiff shall give all other details to the Collector of Stamps and the aforesaid order shall be complied with strictly.

9. I am informed that refund of Court fees is then actually issued by the Pay and Accounts Department situated at Bandra. Copy of this order shall also be placed before the Collector of Stamps, Mumbai City and Collector of Stamps, Mumbai MSD and the In-charge of Pay and Accounts Department, Bandra.

10. I am informed that after refund certificate is filed, Collector of Stamps Office has to issue letter / some order to the Pay and Accounts Department for generating the refund and the refund is thereafter received from the Pay and Accounts Department of the State of Maharashtra situated in Bandra. In-charge of the Pay and Accounts situated at Bandra is directed to ensure that whenever letter regarding for refund of Court fees is received from the Office of the Collector of Stamps, the same shall be complied with by its Office within a period of four weeks from the date of receipt of such request and there shall be no delay in this compliance and refund whatsoever.

11. This order is issued by Court because this Court in the present roster while handling matters where refund of Court fees is

given has received several complaints that even after orders for refund are issued by the Registry of this Court, *inter alia*, relating to refund of Court fees the same takes an invariably long period of time to realise the Court fees and sometimes more than a year.

12. Copy of this order shall be placed before the Registrar General of this Court and he is directed to inform the aforementioned Authorities to ensure that the concerned Government Officers shall comply with the above directions and timeline in the interest of the litigants.

13. Collector of Stamps, Mumbai City and Collector of Stamp, MSD are also directed to take cognizance of this order and ensure that compliance of timelines given in this order are duly complied with in all cases of refund of Court fees which are granted by this Court.

14. Suit No.188 of 2025 is disposed as withdrawn. In view of disposal of Suit, pending Interim Application No.72 of 2026; Interim Application No.74 of 2026; Interim Application (Lodging) No.5505 of 2026 and Interim Application No.7448 of 2025 are also disposed.

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
TRAMBAK
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Date:
2026.02.18
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