

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

COMMERCIAL ADMIRALTY SUIT NO. 5 OF 2026

Neon Limited and Anr.

...Plaintiffs

Vs.

LPG Nisyros (IMO No. 9412062) and Anr.

...Defendants

**WITH
INTERIM APPLICATION NO. 959 OF 2026**

Mr.Prashant Pratap, Senior Advocate with Ms. Tripti Sharma and Ms. Deepanshi Kapoor i/b Bose and Mitra and Co. for the Plaintiff.

Mr. Zarir Bharucha, Senior Advocate with Mr. Bimal Rajasekhar, Mr. Rishi Thakur, Ms Dwani Gada i/b Mr. Bimal Rajasekhar for the Defendant No.1.

CORAM : ABHAY AHUJA, J.
DATE : 27th MARCH, 2026

PC. :

1. Pursuant to the order passed earlier today in the matter, this Court had kept back the matter for a report to be submitted by the Master And Assistant Prothonotary (Judicial) i/c centralised filing department to be called out at 7.00 p.m. after this Court had earlier taken the Suit on board, as noted in paragraph 2 of the order passed earlier today.

2. The Court has reconvened at 8.00 p.m. today as the Court was informed that the report as directed vide paragraph-8 of the order passed earlier today is ready.

3. A perusal of the report of the Master And Assistant Prothonotary (Judicial) i/c centralised filing department dated today records that after downloading the e-filing caveat from the CIS system, the following defects were noticed:-

- (i) Original Defendant No. 2 is not mentioned in cause title of caveat.
- (ii) Claim Amount mentioned in USD.
- (iii) Caveat and VP Fees not paid.
- (iv) Original Side Registration No. not mentioned.
- (v). No Respondents feeded in e-filing portal

4. Master And Assistant Prothonotary (Judicial) i/c centralised filing department has submitted that since the Court fee is also not paid and since other defencts are noticed, the caveat is disapproved recording the defects.

5. The said report is taken on record.

6. This Court had recorded in paragraph-9 of the order passed earlier today that in the event the same is found to be in accordance with Rule 1073 of the Bombay High Court (Original Side) Rules, 1980 (the "High Court Rules") and registered number is allotted and entered into the caveat register book, then the matter will be listed on 2nd April, 2026 and if it is found that the registered number cannot be assigned

due to defect/ not approved, then this Court will proceed to permit Mr. Pratap to withdraw the Suit with consequential directions for release of the Defendant-Vessel.

7. As noted in the order passed earlier today, under Rule 1073 of the High Court Rules any person desiring to prevent to release of any ship under arrest is required to file a praecipe by himself or by his Advocate requesting for entering caveat against the release of the Vessel and thereupon the claim has to be entered into the caveat register book kept in the Registry. The caveat as noted above not been assigned any number as the same has been disapproved and obviously does not find place in the caveat register book of the Registry.

8. It had been pointed out earlier that a caveat against the release has been filed by one Atlantic Global Shipping Private Limited on 25th March, 2026 for a claim of USD 184291.23. This Court has perused the caveat warrant book against release / caveat register and it is noted that the last entry on page no. 189 is in respect of a caveator by the name Atlantic Global shipping Private Limited in the matter of Neon Limited and Another Vs. LGP Nisyros (9412062) for a claim of USD 184291.23 registered and entered on 25th March, 2026 and shared with the board department on 26th March, 2026 and that is the last entry in

the said book / register.

9. Mr. Pratap, learned Senior Counsel has submitted that the said caveat for Atlantic Global Private Limited has been discharged in view of the order dated 27th March, 2026, where the minutes of the order dated 27th March, 2026 signed by the Advocates has been taken on record amicably resolving the dispute between the Plaintiff viz. Atlantic Global Private Limited and owners of the Defendant-Vessel and that, therefore, the said caveat would not come in the way of releasing the vessel upon withdrawal of the present Suit.

10. Mr. Bharucha, learned Senior Counsel appearing for the Caveator disputes the ownership.

11. I have perused the copy of the minutes of the order tendered across the bar by Mr. Pratap, which clearly indicates that the dispute between the Plaintiff in the said matter and the owners of the Defendant-Vessel has been amicably resolved without arrest of the Defendant-Vessel on the terms and condition contained therein. An order dated 27th March, 2026 has also been passed taking the said minutes on record and the said matter is listed on 30th March, 2026.

12. Accordingly, I am of the view that there is no impediment in permitting withdrawal of the Suit.

13. Having heard the learned Counsel and having considered the aforesaid submissions, the order of arrest dated 30th January, 2026 is vacated and the Defendant-Vessel viz. LPG Nisyros IMO 9412062 is allowed to sail, subject to other arrests or caveats as on date and this Court directs the Sheriff to take necessary steps for release of the Defendant-Vessel.

14. In view of the urgency, the formal instrument of release is dispensed with.

15. The Plaintiff has sought leave to withdraw the Commercial Admiralty Suit No. 5 of 2026. Leave is granted. Commercial Admiralty Suit No. 5 of 2026 is allowed to be withdrawn and disposed. The connected Interim Application to accordingly stand disposed.

16. Refund of Court fees as per rules. For the purposes of Section 43 of the Maharashtra Court Fees Act, 1959 and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for refund of Court fees computed according to the Rules and act on production of an authenticated copy of this order without requiring a separate

application.

17. The Plaintiff to serve this order by email/post/courier/hand delivery upon the Sheriff, Master of the Vessel and to the Ship owner and upon the Port and Customs and all concerned at its own costs.

18. The Office of the Sheriff of Mumbai, Port, Customs and other concerned authorities to act on a copy of this order duly authenticated by the Associate of this Court.

19. Let this order be uploaded as a second order in the matter.

(ABHAY AHUJA, J.)

NIKITA
YOGESH
GADGIL

Digitally signed by
NIKITA YOGESH
GADGIL
Date: 2026.03.27
22:03:25 +0530