

(2021) 05 GUJ CK 0017

Gujarat High Court

Case No: R/Admiralty Suit No. 14 Of 2021

One Chemical Private Limited

APPELLANT

Vs

MV Poh Fang Singapore (Imo  
9177973)RESPONDENT

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**Date of Decision:** May 11, 2021**Acts Referred:**

- Admiralty (Jurisdiction And Settlement Of Maritime Claims) Act, 2017 - Section 4(1)(h)

**Hon'ble Judges:** Vaibhavi D. Nanavati, J**Bench:** Single Bench**Advocate:** Dhaval D Vyas, Paurami B. Sheth

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### Judgement

Vaibhavi D. Nanavati, J

1. Heard learned advocate Ms. Paurami Sheth for the plaintiff and learned advocate Mr. Dhaval Vyas for the defendant.

2. Ms. Paurami Sheth, learned advocate for the plaintiff submitted that the plaintiff has outstanding amount from the Defendant Vessel and her

Owner, that despite request, the said amount has not been paid, the Plaintiff has thus maritime claim with respect to the Vessel under Section 4 (1) (h)

of The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 and hence the Plaintiff is constrained to file this suit and prayed for

arrest of the Defendant Vessel.

3. On 10.05.2021, this Court has passed the following order:-

“At the outset, it is jointly stated by the learned advocates appearing for both the parties that the defendant is ready and willing to deposit 12,000

US Dollar without keeping intact the rights and contentions open.

Learned advocate Mr. Dhaval D. Vyas has stated that an affidavit to that effect is circulated. It is stated that the amount will be deposited with the Punjab National Bank in the course of the day.

Further, the learned advocate Mr. Vyas, under instructions, states that the vessel is not scheduled to leave the Deendayal Kandla Port Trust and assures that the vessel will not leave the waters of Kandla Port Trust till tomorrow evening i.e.11.05.2021.â€

4. This court is informed that amount of USD 12,000 deposited by the defendant as security towards suit claim on without prejudice basis, has been credited with Punjab National Bank on 10.05.2021. Learned advocate Mr.Dhaval Vyas for the defendant Vessel has submitted that defendant had deposited 11970 USD in the bank account maintained with the Punjab National Bank, by the Registrar, High Court of Gujarat without prejudice basis and requested to pass release order for the defendant vessel.

5. Learned advocate Ms.Sheth appearing for the plaintiff has no objection to the release of the vessel of subject to confirmation of credit of the said amount by the above bank to the Registry.

6. Considering the fact that the defendant has deposited a sum of 11970 USD in the account maintained with the Punjab National Bank by the Registrar of this Court, the defendant vessel is permitted to sail forthwith.

7. The Registry is directed to issue order of release of the defendant vessel upon confirmation of credit of the amount deposited with the Punjab National Bank.

8. The amount once credited shall be fixed deposited for a period of 6 months and the same shall be periodically renewed till further order of this Court.

9. The Registry is directed to communicate immediately the order to the Port and Customs at Dindayal Port at the cost of the defendant and the Port and Customs Authorities Dindayal Port are directed to act on fax/email message.

10. It is also open for the defendant to communicate the above order by Fax message/ email at their own cost to Port and Customs at Dindayal Port and Customs Authorities Dindayal Port are directed to act on Fax / email message with an ordinary copy of the order.

11.This order is passed without prejudice to the contentions and rights of the parties.

12.Registry to examine the actual remittance of the amount deposited by the defendant today.

13.Let the matter be listed on 18.06.2021.

14.Direct service to the defendant is permitted Today.