

(2019) 01 CAL CK 0024

In the Calcutta High Court

Case No : General Application No. 2958, 3171 Of 2018, Admiralty
SuiTestamentary Suits No. No.3 Of 2017

Rigveda Maritime Private Limited

APPELLANT

Vs

Owners And Parties Interested In The Vessel Mv Vsevolod
Beletskiy & Anr

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Admiralty Rules, 1988 — Rule 12

Citation : (2019) 01 CAL CK 0024

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Ratnanko Banerji, Swatarup Banerjee, Shreyas Santra, Tilak Bose,
Ashok Kr.Jena, Minaxi Manot, N.Adhya, K.Thaker, R.P. Basu, S. Prasad, P. Bose

Judgement

Mr.Thaker, learned advocate appears on behalf of defendant no.1 and submits, he now has instructions. Disputes between plaintiff and his client are subject matter of arbitration taking place in London. His client is taking steps to file application for stay of suit as disputes in it are referable. He submits further, this is one out of five suits filed against the vessel. In one of four other suits, his client has also made application for sale of the vessel. On realisation of sale proceeds, claims against the vessel will be secured. He, therefore, seeks adjournment of hearing so that his client might bring on record the above for proper adjudication.

Mr. Banerjee, learned senior advocate appears on behalf of plaintiff and submits, there be immediate direction for sale of the vessel. Arrest order was passed on 24th November, 2017 and it is only now that defendant no.1 has come up to obstruct, if possible, sale of the vessel. He specifically denies submission made regarding disputes between his client and defendant no.1 being subject matter of on going arbitration in London.

Mr.Bose, learned senior advocate appears on behalf of Kolkata Port Trust. He

presses for order on his client's application for intervention placing reliance on Rule 12 of Admiralty Rules. He refers to letter dated 12th September, 2018 written by Chairman of the Trust to Master of the vessel, by which demand for payment of Rs. 7,95,86,960/-towards rates and penalties as on 23rd August, 2018 was made and the vessel distrained as kept under detention until said amount due together with such further amount as may accrue, are settled.

Since on behalf of defendant no.1 it has been submitted that applications are being made ready to be filed and moved, Court is inclined to adjourned hearing of these two applications. However, it is made clear, in event applications by said defendant are not filed in the meantime, these two applications will be proceeded with on adjourned date.

List on 17th January, 2019 along with applications of defendant no.1, if filed in the meantime. In event said defendant files applications copies of same must be served also upon the Port Authorities.