

(2020) 05 CAL CK 0004

In the Calcutta High Court

Case No : Appeal From Order (APO) No. 180 Of 2019, General Application (GA) No. 180 Of 2019, 814, 815 Of 2020, Admiralty Suits (AS) No. 11 of 2018

Rigveda Maritime Pte. Ltd

APPELLANT

Vs

Sohom Shipping Pvt. Ltd. & Ors

RESPONDENT

Date of Decision : 12-05-2020

Acts Referred:

Citation : (2020) 05 CAL CK 0004

Hon'ble Judges : Sanjib Banerjee, J;Kausik Chanda, J

Bench : Division Bench

Advocate : Tilak Kr. Bose, Ashok Kr. Jena, Sarosij Dasgupta, Surojit Ray, Swatarup Banerjee

Judgement

The Court :- The petitioner undertakes to affirm and stamp the petition as per the Rules within forty-eight hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

There are two parts to this application: a direction for the previous order of payment to be complied with by the Registrar, Original Side; and, for considering the release of further money to the Kolkata Port Trust, particularly in view of the present situation where the port is functioning with little available resources.

By a previous order of January 27, 2020 the Registrar was directed to make payment of a sum of Rs.1.20 crore to the Port within three days of the receipt of the entire consideration from the highest bidder or purchaser.

There is no dispute that the vessel has been sold and the entire consideration in excess of Rs.40 crore has been received by the Registrar.

However, it appears that by a letter dated March 6, 2020 the Registrar required certain conditions to be complied with for the payment to be released

to the Port. While there can be no grievance with the first six conditions stipulated in the relevant letter, it is regrettable that the Registrar sought a

certified copy of the order of January 27, 2020 before releasing the payment in terms of such order. In the event the Registrar had any doubt as to the

authenticity of the order, the Registrar need only to have referred to the website of this Court to check the same. Once the order had been passed and

there could have been no doubt as to its authenticity, the Registrar should not have required a certified copy of the order to be made available before

acting in terms thereof. In any event, in the present situation it is well nigh impossible for any party to obtain a certified copy of any Court order.

The Registrar is directed to ensure that a sum of Rs.1.50 crore is released to the Kolkata Port Trust within seven days in the first six conditions

enumerated in the letter dated March 6, 2020 being complied with. The seventh condition need not be complied with. It will be open to the Port to

comply with the conditions and forward the same by email on the basis of scanned copies. The payment will be made into an account of the Port

directly upon the details of such account being furnished to the Registrar, Original Side.

The additional payment of Rs.30 lakh has been allowed on the prayer of the Port and is subject to an undertaking to be furnished by the Deputy

Director, Marine, Kolkata Port Trust to reimburse the same to the Registrar in the event any subsequent order of this court finds the Port is not

entitled to the additional sum of Rs.30 lakh. A scanned copy of such undertaking should also be furnished to the Registrar with the other six sets of

documents sought by the Registrar's letter of March 6, 2020.

The Registrar will invest the remaining money by way of automatically renewable short-term fixed deposit with any nationalised bank.

In the cause title the Admiralty Suit number has been erroneously indicated as A.S. 180 of 2019. The correct number is A.S. No. 11 of 2018.

Let such correction be carried out to the cause title.

The application will now appear on the first day of normal Court work resumes after lifting of the lockdown.

Any interested party may use an affidavit to the application before said date.

Leave is given to the applicant to serve copies of the application on the other parties, who may be interested in the matter.

A copy of this order will be available on the official website of this Court.