

(2019) 12 CAL CK 0048
In the Calcutta High Court

Case No : Admiralty Suits (AS) No. 3 Of 2017, 11 Of 2018, General Application (GA) No. 2958, 3171 Of 2018, 16, 106, 114, 2156, 2157, Of 2019

Rigveda Maritime Pvt. Ltd And Others APPELLANT

Vs

Owners & Parties Interested In Vessel M.V. Vsevolod Beletskiy & Anr RESPONDENT

Date of Decision : 11-12-2019

Acts Referred:

Citation : (2019) 12 CAL CK 0048

Hon'ble Judges : Amrita Sinha, J

Bench : Single Bench

Advocate : Ratnanko Banerjee, Swatarup Banerjee, Shariful Haque, Jaydeep Mukhopadhyaya, Subhojit Roy, Adil Rashid, Tilak Bose, Ashoke Kr. Jena, Minakshi Manot, Debnath Ghosh, Manoj Kr Tiwari, Shwetank Ginodia, Ritobroto Mitra, N. Adhya

Judgement

Arindam Sinha, J

Special Officer appears and files report, on handing up notice dated 6th December, 2019 demonstrating copies served on seven noticees mentioned therein. He submits, total cost incurred as on date is Rs.1,34,10,470.60. Original report is returned to Special Officer, on copy furnished for Court's record.

Mr. Bose, learned senior advocate appears on behalf of Kolkata Port Trust, added defendant in the suits and submits, claim of his client on the vessel occupying the berth was in region of Rs.13 crores when, since set aside, sale was confirmed on 25th July, 2019. There has been accrual on his client's claim and it will be substantially higher as on date.

Mr. Banerjee, learned senior advocate appears on behalf of plaintiff in A.S. 3 of 2017 (Rigveda Maritime Pvt. Ltd. vs. The Owners & Parties interested in Vessel M.V. Vsevolod Beletskiy & Anr.) and submits, direction clauses (xi) and (xii) in appeal Court's judgement dated 30th September, 2019 require firstly,

assessment of reasonableness of Port's claim including whether it was possible to move the vessel elsewhere within jurisdiction of the Port, to have use of relevant berth. Secondly, for there to be audit of costs incurred by Special Officer in cancelled and to be held sales. His further submission, if Leela Ship Recycling (P) Ltd. wants refund of its money, then there is no question of it being entitled to any compensation. Mr. Ghosh, learned advocate appears on behalf of Leela Ship Recycling (P) Ltd. and submits, in view of submissions made by Mr. Banerjee, he will consider and submit on adjourned date. Mr. Rashid, learned advocate appears on behalf of plaintiff in A.S. 11 of 2018 (Soha Shipping Pvt. Ltd. vs. The Owners & Parties interested in Vessel M.V. Vsevolod Beletskiy & Anr.) and reiterates, the ship should be sold to highest bidder found by Special Officer. Mr. Mitra, learned Advocate appears on behalf of Glory Ship Management PTE and seeks leave to file his briefing advocate's vakalatnama in the department since his client is not party to the suits. He submits, his client is interested to purchase and has made best offer at Rs.40.73 crores. The bid be accepted.

Court requests Mr. Mitra to persuade his client to raise the bid to Rs.58 crores, matching valuation, for immediate confirmation. Court awaits answer, if not given today, to be given on adjourned date. Other parties interested in sale of the ship below valuation, are to demonstrate aggregate claims against the vessel in the suits as on date. Court is mindful of there being a Russian bank, which has claim of Rs.27 crores against the vessel, taken cognizance of by appeal Court as appears in said judgement. On having particulars required as above, Court will go into the question whether there can be confirmation of sale at a bid below valuation.

List next Wednesday (18th December, 2019).

Mr. Mitra submits, his client is not in a position to raise bid already made.