

# **Barkat Hiring Co vs Malaviya Thirty Three And Anr on 22 January, 2020**

**Author: K.R. Shriram**

**Bench: K.R. Shriram**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 66 OF 2018

In  
ADMIRALTY SUITS 6 OF 2015

Raj Shipping Agencies	....Petitioner
V/S	
Barge Madhwa And Anr. And The Board Of	....Respondent

Trustees Of The Port Mumbai (applicant) WITH ADMIRALTY SUITS NO. 1 OF 2015 Atlantic Shipping Pvt. Ltd. ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 285 OF 2015 Tag Offshore Limited ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH ADMIRALTY SUITS NO. 6 OF 2015 Raj Shipping Agencies ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH ADMIRALTY SUITS NO. 11 OF 2015 Integr8 Fuels Inc. ....Petitioner V/S Madhwa And Anr. ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 284 OF 2015 Raj Shipping Agencies Limited ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH ADMIRALTY SUITS NO. 17 OF 2015 Raj Transport & Trading Company ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH COMMERCIAL SUIT NO. 73 OF 2016 Sumayla Marine Service ....Petitioner V/S Dlb Nand Gaurav And Another ....Respondent WITH ADMIRALTY SUITS NO. 20 OF 2015 Transtar Offshore Services Pvt. Ltd. ....Petitioner V/S Dlb Nand Gaurav And Another ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 74 OF 2015 In COMMERCIAL ADMIRALTY SUITS 284 OF 2015 Raj Shipping Agencies Limited ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1162 OF 2015 In ADMIRALTY SUITS 1 OF 2015 Atlantic Shipping Pvt. Ltd. ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 75 OF 2015 In COMMERCIAL ADMIRALTY SUITS 285 OF 2015 Tag Offshore Limited ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1721 OF 2015 In ADMIRALTY SUITS 17 OF 2015 Raj Transport & Trading Company ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1161 OF 2015 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping Agencies ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1166 OF 2015 In ADMIRALTY SUITS 17 OF 2015 Raj Transport & Trading Company ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 73 OF 2015 In COMMERCIAL ADMIRALTY SUITS 284 OF 2015 Raj Shipping Agencies Limited ....Petitioner V/S Barge Madhwa And Anr And Punj Lloyd Ltd ....Respondent (applicant) WITH NOTICE OF MOTION (SUITS) NO. 1715 OF 2015 In ADMIRALTY

SUITS 1 OF 2015 Atlantic Shipping Pvt. Ltd. ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 76 OF 2015 In COMMERCIAL ADMIRALTY SUITS 285 OF 2015 Tag Offshore Limited ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1717 OF 2015 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping Agencies ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH COMMERCIAL SUIT NO. 319 OF 2016 M/s.supreme Hydro Engineering Pvt Ltd ....Petitioner V/S M.v.tag7 [imo:9379002] And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) LODGING NO. 180 OF 2016 In ADMIRALTY SUITS 20 OF 2015 Transtar Offshore Services Pvt. Ltd. ....Petitioner V/S Dlb Nand Gaurav And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) LODGING NO. 181 OF 2016 In COMMERCIAL SUIT 73 OF 2016 Sumayla Marine Service ....Petitioner V/S Dlb Nand Gaurav And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 757 OF 2017 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) Ltd ....Petitioner V/S M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent And Ors WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 743 OF 2019 In COMMERCIAL ADMIRALTY SUITS 36 OF 2018 Idbi Bank Ltd. ....Petitioner V/S Mv Malaviya Thirty Three (imo 7809118) And 8 ....Respondent Ors WITH NOTICE OF MOTION (SUITS) NO. 1095 OF 2019 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) Ltd ....Petitioner V/S M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent And Ors WITH NOTICE OF MOTION (SUITS) NO. 1718 OF 2015 In ADMIRALTY SUITS 11 OF 2015 Integr8 Fuels Inc. ....Petitioner V/S Madhwa And Anr. ....Respondent WITH ADMIRALTY SUITS NO. 1 OF 2017 Barkat Hiring Co. ....Petitioner V/S Malaviya Thirty Three And Anr ....Respondent WITH ADMIRALTY SUITS NO. 28 OF 2017 Vipu Thazhathupulikkal Purushothaman Nair ....Petitioner V/S Sale Proceeds Of M. V. Malaviya 28 And 22 Ors ....Respondent WITH ADMIRALTY SUITS NO. 33 OF 2017 Durva Engineering Works ....Petitioner V/S M. V. Malaviya Thirty Six (imo No. 8519083) ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 482 OF 2017 Mars Petrochem Pvt. Ltd. ....Petitioner V/S Sales Proceeds Of M.v. Malaviya 23, Imo ....Respondent 9299082 And 5 Ors WITH COMMERCIAL ADMIRALTY SUITS NO. 121 OF 2017 Unique Marine Service ....Petitioner V/S Malaviya Thirty (imo:9333515) And Anr ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 800 OF 2018 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) Ltd ....Petitioner V/S M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent And 8 Ors And Export Import Bank Of India (respondent) WITH NOTICE OF MOTION (SUITS) NO. 1158 OF 2015 In ADMIRALTY SUITS 11 OF 2015 Integr8 Fuels Inc. ....Petitioner V/S Madhwa And Anr. And Punj Lloyd Ltd ....Respondent (applicant) WITH NOTICE OF MOTION (SUITS) NO. 726 OF 2019 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) Ltd ....Petitioner V/S M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent And 21 Ors WITH NOTICE OF MOTION (SUITS) NO. 1805 OF 2019 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping Agencies ....Petitioner V/S Barge Madhwa And Anr ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 142 OF 2016 Raj Shipping Agencies ....Petitioner V/S M. V. Malaviya Thirty And 3 Ors ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 1215 OF 2019 In ADMIRALTY SUITS 65 OF 2015 Solitaire Marine And Offshore Pvt. Ltd. ....Petitioner V/S M.v.pristine Gv (imo No. 9118422) And Anr. ....Respondent WITH NOTICE OF MOTION (SUITS) NO. 2447 OF 2019 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) Ltd ....Petitioner V/S M. V. Malaviya Twenty Three Imo No 9299082 ....Respondent And 21 Ors WITH NOTICE OF MOTION (SUITS) NO. 1974 OF 2018 In ADMIRALTY SUITS 18 OF 2017 Melayi Kandi Jayarajan ....Petitioner V/S Ahtv Sangita And Anr

....Respondent WITH ADMIRALTY SUITS NO. 18 OF 2017 Melayi Kandi Jayarajan ....Petitioner V/S Ahtv Sangita And Anr ....Respondent WITH ADMIRALTY SUITS NO. 38 OF 2018 Amit Sharma ....Petitioner V/S M.v. Malaviya Thirty And 2 Ors. ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 36 OF 2018 Idbi Bank Ltd. ....Petitioner V/S Mv Malaviya Thirty Three (imo 7809118) And 7 ....Respondent Ors.

WITH COMMERCIAL ADMIRALTY SUITS NO. 8 OF 2019 Sagar Yadav And 18 Ors ....Petitioner V/S Msv Malaviya 36 (imo No. 8519083) And Anr ....Respondent WITH COMMERCIAL ADMIRALTY SUITS NO. 39 OF 2018 Capt. Jitendra Sama And 4 Ors. ....Petitioner V/S M.t. Maharshi Bhavatreya ....Respondent Mr. Prasad Shenoy a/w Mr. Prashant Ashar, Mr. Naishadh Bhatia and Ms. Bulbul Singh-Rajpurohit i/b Crawford Bayley and Co. for Plaintiff in ADMS/6/2015, ADMS/1/2015, ADMS/17/2015, COMAS/284/2015, COMAS/285/2015, ADMS/1/2017 and COMAS/121/2017; Mr. Ajai Fernandes a/w Ms. Sneha B. Pandey for Applicant in CHS/66/2018 and for Defendant No. 3 in ADMS/18/2017; Mr. Jithin Pius Jose i/b Harsh G. Pratr for Plaintiff in ADMS/11/2015;

Mr. Ashwin Shanker for Plaintiff in ADMS/20/2015, COMAS/73/2016 and ADMS/28/2017; Mr. Kunal Naik i/b Bimal Rajasekhar for Plaintiff in COMAS/142/2016;

Mr. Shrey Sancheti i/b Theba and Associates for Plaintiff in COMAS/36/2018;

Mr. Kundanlal Patil i/b Vyas and Bhalwal for Plaintiff in ADMS/18/2017;

Dr. Shrikant Hathi a/w Mr. Pritish Das i/b Barus Chambers for Plaintiff in ADMS/33/2017; Ms. Ankita Sen a/w Mr. Osama Butt i/b Ganesh and Co. for Plaintiff in COMS/319/2016; Mr. R. P. Shirole a/w Ms. Kunjita Shah i/b Khare Legal Chambers for Plaintiff in ADMS/38/2018; Ms. Prerna Verma i/b Ganesh and Co. for Plaintiff in COMAS/8/2019;

Mr. Rahul Narichania, Senior Advocate a/w Ms. Pratiksha Avhad Mr. Pranav M. Nair i/b Mulla and Mulla and Craigie Blunt and Caroe for Plaintiff in ADMS/41/2015; Ms. Aneesa Cheema i/b Charles De Souza for Respondent (EXIM Bank) in NMS/800/2018; Ms. Lakshmi Bussa i/b M. V. Kini and Co. for Defendant No. 9 in COMAS/36/2018;

Mr. Prathamesh Kamat i/b Sapana Rachure Advocate for Official Liquidator; Ms. S. Priya a/w Ms. Aparna Sinha Advocates for Official Liquidator;

Mr. Sharan Jagtiani a/w Surbhi Agarwal Advocates for Official Liquidator;

Mr. Mahendhar Aithe, Company Prosecutor present; Mr. Prashant Pratap, Senior Advocate- Amicus Curiae/Assisted by Mr. Nishaan Shetty; Mr. V. K. Ramabharan, Senior Advocate, Amicus Curiae; Dr. Abhinav Chandrachud, Amicus Curiae Assisted by Saurish Shetye.

CORAM : K.R. SHRIRAM, J DATE : 22nd January, 2020 P.C. :

Stand over to 23/01/2020 ( ASSOCIATE )