

Capt. Jitendra Sama And 4 Ors vs M.T. Maharshi Bhavatreyya on 16 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 AgenciesPetitioner
V/S	
Barge Madhwa And Anr. And The Board OfRespondent

Trustees Of The Port Mumbai (applicant) WITH ADMIRALTY SUITS NO. 1 OF 2015 Atlantic Shipping Pvt. Ltd.Petitioner V/S Barge Madhwa And AnrRespondent WITH COMMERCIAL ADMIRALTY SUITS NO. 285 OF 2015 Tag Offshore LimitedPetitioner V/S Barge Madhwa And AnrRespondent WITH ADMIRALTY SUITS NO. 6 OF 2015 Raj Shipping AgenciesPetitioner V/S Barge Madhwa And AnrRespondent 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 LimitedPetitioner V/S Barge Madhwa And AnrRespondent WITH ADMIRALTY SUITS NO. 17 OF 2015 Raj Transport & Trading CompanyPetitioner V/S Barge Madhwa And AnrRespondent WITH COMMERCIAL SUIT NO. 73 OF 2016 Sumayla Marine ServicePetitioner V/S Dlb Nand Gaurav And AnotherRespondent WITH ADMIRALTY SUITS NO. 20 OF 2015 Transtar Offshore Services Pvt. Ltd.Petitioner V/S Dlb Nand Gaurav And AnotherRespondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 74 OF 2015 In COMMERCIAL ADMIRALTY SUITS 284 OF 2015 Raj Shipping Agencies LimitedPetitioner V/S Barge Madhwa And AnrRespondent 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 AnrRespondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 75 OF 2015 In COMMERCIAL ADMIRALTY SUITS 285 OF 2015 Tag Offshore LimitedPetitioner V/S Barge Madhwa And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 1721 OF 2015 In ADMIRALTY SUITS 17 OF 2015 Raj Transport & Trading CompanyPetitioner V/S Barge Madhwa And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 1161 OF 2015 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping AgenciesPetitioner V/S Barge Madhwa And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 1166 OF 2015 In ADMIRALTY SUITS 17 OF 2015 Raj Transport & Trading CompanyPetitioner V/S Barge Madhwa And AnrRespondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 73 OF 2015 In COMMERCIAL ADMIRALTY SUITS 284 OF 2015 Raj Shipping Agencies LimitedPetitioner V/S Barge Madhwa And Anr And Punj Lloyd LtdRespondent (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 AnrRespondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 76 OF 2015 In COMMERCIAL ADMIRALTY SUITS 285 OF 2015 Tag Offshore LimitedPetitioner V/S Barge Madhwa And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 1717 OF 2015 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping AgenciesPetitioner V/S Barge Madhwa And AnrRespondent WITH COMMERCIAL SUIT NO. 319 OF 2016 M/s.supreme Hydro Engineering Pvt LtdPetitioner V/S M.v.tag7 [imo:9379002] And AnrRespondent 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 AnrRespondent WITH NOTICE OF MOTION (SUITS) LODGING NO. 181 OF 2016 In COMMERCIAL SUIT 73 OF 2016 Sumayla Marine ServicePetitioner V/S Dlb Nand Gaurav And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 757 OF 2017 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) LtdPetitioner V/S M. V. Malaviya Twenty Three Imo No 9299082Respondent 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 8Respondent Ors WITH NOTICE OF MOTION (SUITS) NO. 1095 OF 2019 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) LtdPetitioner V/S M. V. Malaviya Twenty Three Imo No 9299082Respondent 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 AnrRespondent WITH ADMIRALTY SUITS NO. 28 OF 2017 Vipu Thazhathupulikkal Purushothaman NairPetitioner V/S Sale Proceeds Of M. V. Malaviya 28 And 22 OrsRespondent WITH ADMIRALTY SUITS NO. 33 OF 2017 Durva Engineering WorksPetitioner 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, ImoRespondent 9299082 And 5 Ors WITH COMMERCIAL ADMIRALTY SUITS NO. 121 OF 2017 Unique Marine ServicePetitioner V/S Malaviya Thirty (imo:9333515) And AnrRespondent WITH NOTICE OF MOTION (SUITS) NO. 800 OF 2018 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) LtdPetitioner V/S M. V. Malaviya Twenty Three Imo No 9299082Respondent 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 LtdRespondent (applicant) WITH NOTICE OF MOTION (SUITS) NO. 726 OF 2019 In ADMIRALTY SUITS 41 OF 2015 Dvb Group Merchant Bank (asia) LtdPetitioner V/S M. V. Malaviya Twenty Three Imo No 9299082Respondent And 21 Ors WITH NOTICE OF MOTION (SUITS) NO. 1805 OF 2019 In ADMIRALTY SUITS 6 OF 2015 Raj Shipping AgenciesPetitioner V/S Barge Madhwa And AnrRespondent WITH COMMERCIAL ADMIRALTY SUITS NO. 142 OF 2016 Raj Shipping AgenciesPetitioner V/S M. V. Malaviya Thirty And 3 OrsRespondent 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) LtdPetitioner V/S M. V. Malaviya Twenty Three Imo No 9299082Respondent And 21 Ors WITH NOTICE OF MOTION (SUITS) NO. 1974 OF 2018 In ADMIRALTY SUITS 18 OF 2017 Melayi Kandi JayarajanPetitioner V/S Ahtv Sangita And Anr

....Respondent WITH ADMIRALTY SUITS NO. 18 OF 2017 Melayi Kandi JayarajanPetitioner V/S Ahtv Sangita And AnrRespondent WITH ADMIRALTY SUITS NO. 38 OF 2018 Amit SharmaPetitioner 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 7Respondent Ors.

WITH COMMERCIAL ADMIRALTY SUITS NO. 8 OF 2019 Sagar Yadav And 18 OrsPetitioner V/S Msv Malaviya 36 (imo No. 8519083) And AnrRespondent WITH COMMERCIAL ADMIRALTY SUITS NO. 39 OF 2018 Capt. Jitendra Sama And 4 Ors.Petitioner V/S M.t. Maharshi BhavatreyraRespondent Mr. Prasad Shenoy a/w Ms. Bulbul Singh-Rajpurohit, Ms. Prachi Shah, Mr. Naishadh Bhatia and Mr. Nirav Shroff i/b Crowd 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 i/b Motiwalla and Co. for Applicant in CHS/66/2018 and for Defendant No.3 in ADMS/18/2017.

Mr. Ashwin Shanker a/w Mr. Anil Vishnoi for Plaintiff in ADMS/20/2015, COMS/73/2016, ADMS/28/2017 and COMAS/482/2017;

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;

Dr. Shrikant Hathi a/w Mr. Pritish Das i/b Barus Chambers for Plaintiff in ADMS/33/2017;

Ms. Kirthika Anand a/w Mr. Osama Butt i/b Ganesh and Co. for Plaintiff in COMS/319/2016 Mr. Jithin Jost i/b Harsh Pratap for Plaintiff in ADMS/11/2015; 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. Mrunmayee Klpalliwar i/b M. V. Kini and Co. for Defendant No. 9 in Item 1. 18; Ms. S. Priya, Advocate for Official Liquidator in Item Nos. 1.9, 1.11, 1.12, 1.15, 1.16 and 1.22; Mr. Aditya Pimple a/w Ms. Surbhi Agarwal for Official Liquidator in Items Nos. 1.13, 1.14, 1.17, 1.18, 1.21, 1.24, 1.25, 1.26 and 1. 29;

Mr. Pramod Kumar, Assistant Official Liquidator 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 Mr. Shailendra Singh and Mr. Saurish Shetye.

CORAM : K.R. SHRIRAM, J DATE : 16th January, 2020 P.C. :

Stand over to 17/01/2020 (ASSOCIATE)