

OCD-1

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Admiralty Jurisdiction
ORIGINAL SIDE
(Commercial Division)

IA NO. GA/8/2023
In
AS/5/2022

GRASIM INDUSTRIES LTD AND ANR
Vs
THE OWNERS AND PARTIES
INTERESTED IN THE VESSEL M V MARINTRUST - 01, IMO 9783174

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th October, 2023.

Appearance:

Mr. Tilak Kr. Bose, Sr. Adv.

Mr. Pranit Bag, Adv.

Mr. Aditya Sarkar, Adv.

...for the applicant

Mr. K.R. Thaker, Adv.

Mr. Soumik Kundu, Adv.

...for the plaintiffs

Mr. Anubhav Sinha, Adv.

Mr. Nikhil Kr. Roy, Adv.

Mr. Abhijit Sarkar, Adv.

Mr. Abhik Chitta Kundu, Adv.

...for the defendant no. 1

Mr. Pourush Bandopadhyay, Adv.

Mr. Anirban Ghosh, Adv.

...for the defendant no. 3

The Court:- This application has been filed by the Port Authorities for modification of an order passed by a co-ordinate Bench on 28th June, 2023 in an admiralty suit. The order was passed on two applications, one by the plaintiffs and the other by the Port. The applications were disposed of by

directions, essentially in the nature of sale of the vessel through e-auction and fixing a time-limit for such. A Receiver as well as joint Special Officers were appointed for conducting the sale. The learned Receiver is a member of the Bar Library Club and the joint Special Officers were the Directors, Marine Department.

The direction, which is necessary for the present application, was on the EMD deposited by the intending bidders as well as the successful purchaser to be submitted by way of a demand draft/pay order in favour of the joint Special Officers.

Learned counsel appearing for the applicant/Port Authorities seeks a modification to the extent of the directions stated above, namely, that instead of the EMD being deposited to the account of the joint Special Officers, the EMD and the final purchase price should be deposited by way of demand drafts/pay orders drawn in favour of the Registrar, Original Side of this Court.

The plaintiffs as well as the owners are represented.

While learned counsel appearing for the plaintiffs does not have any objection to this modification, learned counsel appearing for the owners expresses an apprehension that an order of modification may be used to scuttle the appeal which is due to be heard on 11th October, 2023.

This Court does not agree with the objection since the modification sought for is innocuous in nature.

The other direction of the sale being completed within two weeks from the date of the order is required to be extended since the process of sale of the vessel is underway.

GA/8/2023 is accordingly allowed and disposed of in terms of prayers (a), (b), (d) and (e) of the application. The intending bidders and the successful purchaser will deposit the amounts to the account of the Registrar, Original Side and the Registrar will invest the money in an interest bearing account with a Bank within the jurisdiction of this Court. The time to complete the auction process is extended for eight weeks from today and the order dated 28th June, 2023 will not be construed as accrual of any right or equity in favour of any bidder regardless of any announcement on the e-auction portal or the advertisement for the e-auction.

The affidavit of service is kept on record.

For the comfort of learned counsel appearing for the owners and at his insistence, the submission made on behalf of the plaintiffs that the plaintiffs will not take any objection to the extent of this modification at the time of hearing of the appeal is recorded.

(MOUSHUMI BHATTACHARYA, J.)