

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
IA NO.2 OF 2023**

IN

WRIT PETITION NO: 20885 OF 2023

Between:

Brooks Cargo India Pvt Ltd, Rep by its Managing Director, Dr.Koneru Vijay Kumar, s/o late Sri Ramachandra Rao, Hindu, aged 59 yrs, Regd. Office - Flat no.104. Badri's Heritage Heights, Suryaraopeta, Vijayawada.

Petitioner

AND

1. Union Bank of India, Rep by its Chairman, Ministry of Ports, Shipping and Waterways, New Delhi.
2. The Director General of Shipping, Mumbai.
3. The Dy. Conservator, Port Area, Visakhapatnam.
4. The Traffic Manager, Visakhapatnam Port Authority Traffic Department, Ambedkar Bhavan, Port Area, Visakhapatnam.
5. M/s Sea Shares Infra Logistics, Rep by its Prop. Abdul Ghani, s/o Noor Alam, Islam, Business, aged 60 yrs, Flat no.504. Creative Heights, Marrisalem, VUDA Layout, Visakhapatnam.
6. M/s Indus Trading and Logistics, 10-1-9/1, Akruthi Apartments, Waltair Uplands, Visakhapatnam.

Respondents

Counsel for the Petitioner : SRI P RAJESH BABU

Counsel for the Respondents 1 & 2 : SRI N.HARINATH

Counter for the Respondent Nos. 3 & 4 : SRI P.SRIRAM

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Grant Interim Orders of Direction directing the Respondent no.4 not to demand the petitioner to pay the Berth Charges over TUG Hemavathi bearing IMO.No.8504296 with Official no.VVLV/2021, not more than the existing amount of Rs.17,274/- per month, until further orders of this Hon'ble Court, Pending disposal of WP No. 20885 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard P.Rajesh Babu, learned counsel for the petitioner.

Learned counsel for the petitioner in elaboration contended that, the petitioner is the owner of the Tug Hemavathi and as per the invoices raised by the Port Authorities, the petitioner has paid all the dues of berth charges and in fact the petitioner has paid more than Rs.7 lakhs in excess. In spite of it, the authorities have issued the notice dated 22.06.2023, directing the petitioner to liquidate the outstanding dues of Rs.10,05,143/- within fifteen (15) days, failing which the Tug Hemavathi would be put to auction through MSTC on sixteenth (16th) day onwards and has drawn the attention of this Court to the said notice, which is placed on record impugned in the present Writ Petition.

He further submitted that, even as on today, the authorities have not auctioned the Tug Hemavathi as mentioned in the impugned notice dated 22.06.2023. If the said auction is allowed to continue, the petitioner will be put to irreparable loss and hardship.

He further submitted that, the petitioner could not question the said impugned notice in time due to the reason that he is in abroad and he came to know recently about the unlawful pressure being put in by the 4th respondent. As such, prayed to protect the interest of the petitioner, pending Writ Petition.

Perused the record.

Prima-facie, a point for consideration has been made out by the petitioner, and also there is every force in the contention of the learned counsel for the petitioner that in the event if the authorities proceed with the auction of the petitioner's Tug Hemavathi, there is every likelihood of the petitioner sustaining loss, as such, this Court is inclined to pass the following interim order:

"The respondent authorities are directed not to auction Tug Hemavathi, if not already auctioned, for a period of four (04) weeks."

Sd/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Union Bank of India, Ministry of Ports, Shipping and Waterways, New Delhi.
2. The Director General of Shipping, Mumbai.
3. The Dy. Conservator, Port Area, Visakhapatnam.

4. The Traffic Manager, Visakhapatnam Port Authority Traffic Department, Ambedkar Bhavan, Port Area, Visakhapatnam.
5. The Prop. Abdul Ghani, s/o Noor Alam, Islam, Business M/s Sea Shares Infra Logistics, Flat no.504. Creative Heights, Marripalem, VUDA Layout, Visakhapatnam.
6. M/s Indus Trading and Logistics, 10-1-9/1, Akruthi Apartments, Waltair Uplands, Visakhapatnam (**Addresses 1 to 6 by RPAD- along with a copy of petition and affidavit**)
7. One CC to SRI. P RAJESH BABU Advocate [OPUC]
8. One CC to SRI N.HARINATH, Deputy Solicitor General. [OPUC]
9. One CC to SRI P.SRIRAM, Standing Counsel. [OPUC]
10. **One spare copy**

ER

HIGH COURT

RCJ

DATED:16/08/2023

POST ON 30.08.2023

ORDER

IA NO.2 OF 2023

IN

WP.No.20885 of 2023

DIRECTION

