

[3311]

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATITHURSDAY ,THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**PRESENT****THE HONOURABLE MS JUSTICE B S BHANUMATHI****INTERNATIONAL COMMERCIAL ARBITRATION ORIGINAL**
APPLICATION NO: 2 OF 2023**Between:**

1. BAINBRIDGE NAVIGATION PTE.LTD, 19-06, Tong Eng building, 101 Cecil Street, Singapore 069533, Represented by its authorized signatory Mr. Madala Srinivas

...PETITIONER(S)**AND**

1. BIGMANS METALS AND ALLOYS PVT.LTD, No. 154/1 8th cross, 4th main road, Chamrajpet, Bengaluru - 560018, India.
2. The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam.

...RESPONDENTS**Counsel for the Petitioner(s):SRI SAI SANJAY SURANENI****Counsel for the Respondents: MURALI LINCOLN****The Court made the following:****ORDER:**

This International Commercial Arbitration Original Application is filed seeking the following reliefs:

“...(a) This Hon'ble Court may be pleased to pass an order directing the Respondents to furnish cash security for a sum of USD 99,200 + SGD 20,571 + simple interest @ 2% p.a. from the

date of this petition till payment realization; (b) This Hon'ble Court may be pleased to allow the Petitioner to sample and conduct survey and market valuation of the iron ore cargo of 3000 MTs of Iron Ore Fines currently lying at Visakhapatnam; (c) This Hon'ble Court may be pleased to pass an order appointing a Receiver/Court Commissioner to take custody of the cargo of 3000 MTs of Iron Ore Fines currently lying at Visakhapatnam port; (d) This Hon'ble Court may be pleased to pass an order directing the Respondent No.1 to bear all risk, costs, charges, expenses, levies of any kind whatsoever which may be incurred by the Petitioner in exercise of its lien over the cargo of 3000 MTs of iron ore fines, including storage and maintenance costs; (e) This Hon'ble Court may be pleased to pass an order directing the Petitioner / Receiver to sell the attached cargo of 3000 MTs of Iron Ore Fines at Vishakapatnam port in the event of non-payment of sums to the Petitioner as set out in prayer clause (a) above; (f) This Hon'ble Court may be pleased to auction sell the attached cargo of 3000 MTs of Iron Ore Fines at Vishakapatnam port in the event of non-payment of sums to the Petitioner as set out in prayer clause (a) above; (g) This Hon'ble Court may be pleased to freeze the bank accounts held by Respondent No.1's, including but not limited to the bank account held with Standard Chartered Bank, 112 Vaishnavi Serenity, Koramangala Industrial Area, 5th block, Bangalore, Karnataka - 560095, till sale of the attached cargo of 3000 MTs of Iron Ore Fines at Vishakapatnam or till payment realization. (h) For ad interim reliefs in terms of prayer (a) to (g) above; (i) This Hon'ble Court may be pleased to pass..."

2. Sri D.Prudhviteja, learned counsel representing learned counsel for the petitioner/applicant submitted to close the present petition since it was filed

before recognition of the award and later a separate execution petition in EXEP.No.1 of 2024 was filed for the execution of the award after its recognition and he sought liberty to proceed with the said execution petition.

3. There is no representation for the respondent No.1.

4. Ms. Arshitha, learned counsel representing on behalf of respondent No.2 who is performing party is present.

5. In view of the submission made by the learned counsel representing the petitioner/applicant, the International Commercial Arbitration Original Application is closed giving liberty to the petitioner to proceed with the execution of the award in execution petition. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending shall stand closed, and interlocutory orders, if any, pending shall stand vacated.

JUSTICE B.S. BHANUMATHI

Date: 08.08.2024
DSV

272

THE HONOURABLE MS JUSTICE B S BHANUMATHI**INTERNATIONAL COMMERCIAL ARBITRATION ORIGINAL**
APPLICATION NO: 2 OF 2023Date: 08.08.2024
DSV

HIGH COURT OF ANDHRA PRADESH
MAIN CASE NO : ICOMAOA.No.2 of 2023
PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
	08.08.2024	<u>BSB, J</u> International Commercial Arbitration Original Application is closed. (vide separate order) <u>B.S.BHANUMATHI,J</u> DSV	

