IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION

COMM. ADMIRALTY SUIT (LODG.) NO.8 OF 2018
WITH
NOTICE OF MOTION (LODG.) NO. 461 OF 2018
AND
JUDGES ORDER NO. 44 OF 2018

M.V. RIVA WIND ...Applicant

In the matter between :

Spectrum Shipping Pty. Limited ... Plaintiff

Vs.

M.V. RIVA WIND (IMO No.9301196) ... Defendant

Mr.Arnab A. Ghosh for plaintiff.

Mr. Pranoy Kottaram a/w. Ms. Varsha Ramann i/b Bose and Mitra and Co. for defendant/applicant in NMCDL/461/2018.

CORAM : K.R.SHRIRAM, J.
DATE : 8TH MARCH 2018

P.C.

1 Not on board. Upon mentioning, taken on board.

2 By consent, the following order is passed :-

(i) Plaintiff has accepted defendant's offer to secure plaintiff's claim by way of P and I Club Letter of Undertaking (LOU) and ready and willing to refer the disputes in this suit

::: Uploaded on - 09/03/2018 ::: Downloaded on - 26/05/2026 21:49:58 :::

HIGH COURT OF JUDICATURE AT BOMBAY

to arbitration in London. Pursuant to the Agreement, P & I Club SKULD Ltd. has readied the Club Letter of Undertaking dated 7th March 2018 evidencing the Agreement between the parties. A copy of the LOU is tendered by Mr.Kottaram for defendant. The same is taken on record and marked 'X' for identification.

(ii) Mr. Ghosh appearing for plaintiff confirms having received a copy of the said LOU.

(iii) The counsel for defendant states that the original LOU shall be handed over to plaintiff or their advocates within 24 hours of the plaintiff's agents in Tuticorin obtaining Port clearance and also a pilot, if required being assigned for sailing out of the defendant vessel.

(iv) The counsel for defendant clarifies that defendant vessel is under arrest in another suit being commercial admiralty suit No.10 of 2018 and defendant is in the process of securing plaintiff's claim in that suit and hopefully by 12th March 2018, plaintiff's claim in that suit will be secured and the vessel will be released from arrest. Only thereafter, plaintiff's agents in Tuticorin will be able to apply for Port clearance and pilot and the 24 hours period will begin only after that stage. Mr.

::: Uploaded on - 09/03/2018 ::: Downloaded on - 26/05/2026 21:49:58 :::

HIGH COURT OF JUDICATURE AT BOMBAY

Ghosh confirms that is the understanding arrived at between the parties.

(v) Mr. Kottaram further clarifies, if, for any reason defendant vessel is arrested by any third party unrelated to plaintiff or the vessel is detained or delayed for reasons not attributable to plaintiff then, on or before 12th March 2018, the LOU will be handed over to plaintiff or their advocates.

(vi) All rights and contentions of both the parties are kept open.

3 Plaintiff seeks leave to withdraw the suit and all pending applications.

4 The suit dismissed as withdrawn. All interim applications disposed. Refund of Court Fees, if any, as per Rules.

5 All concerned to act on a copy of the order duly authenticated as 'True Copy' by the Associate of this Court.

6 It is clarified that this Court has not made any observation on the merits of the claim.

(K.R. SHRIRAM, J.)

::: Uploaded on - 09/03/2018 ::: Downloaded on - 26/05/2026 21:49:58 :::