

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL APPEAL (L) NO. 27533 OF 2026
IN
COMMERCIAL ADMIRALTY SUIT NO.26 OF 2026**

Blue Sea Marine INC .. Appellant
Versus
Jhang Union International LLC FC FZ .. Respondent
...

Mr. Vishal Hegde a/w Mr. Deepakar Livingston, Mr. R.P. Shirole,
Ms. Anuja Apte for the Appellant.
Mr. Ashwin Shankar (VC) a/w Ms. Vanshika Jain for Respondent
No.1.
Mr. Abhimanyu Singh for Respondent No.3.
Mr. Siddhesh Bhole a/w Ms. Apoorva Kulkarni i/b SSB Legal
Advisory for Respondent No.4.
Mr. Jitendra B. Mishra a/w Ms. Niyati Mankad, Mr. Ashutosh Mishra
& Ms. Priyanka Singh for Respondent No.5.
Ms. Anjali Helekar, GP for Disaster Management of Government of
Maharashtra.

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.
DATED : 11th AUGUST, 2026**

JUDGMENT (PER BHARATI DANGRE J):-

1. The present Appeal filed under the Commercial Courts Act, 2015 raise a challenge to the order dated 7/08/2026, passed on an application filed by JSW Jaigarh Port Limited, apprehending an environmental disaster at the Port, in the wake of the presence of highly inflammable and dangerous cargo of 1880.260 Mt of

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Liquefied Petroleum Gas (LPG) in the Defendant-Vessel which had been arrested pursuant to an order passed by this Court on 29/04/2026 and seeking a direction not to permit discharge of the cargo.

By the said order, the application is allowed by the learned Single Judge, by imposing certain terms and condition.

2. It is this order, which is subjected to challenge on the ground that the same is passed in breach of principle of natural justice as the Port's Application was served upon the Appellant at around 4.08 p.m. and it was heard at 5:30 p.m. on the same date and obviously, the Appellant did not get sufficient time to contest the reliefs in the application. It is sought to be urged before us that the ownership and entitlement of the cargo are seriously disputed with conflicting bills of Lading on record and the order has been passed while the Appellants request for release of the vessel and counter-security for wrongful arrest was pending consideration.

3. The Appeal being urgently circulated and when we took up the same for hearing as it was listed at Item No. 901 on Supplementary Board, we are informed that for compliance of the directions issued on 10/08/2026, the learned Single Judge has slated the Suit for further consideration today i.e. on 11/08/2026.

We, therefore, permitted the learned Single Judge, to deal with the matter and directed the Appeal to be listed before us at 3:00 p.m.

4. When the matter is called out at 3:00 p.m., the order passed by the learned Single Judge on 11/08/2026 is placed before us.

We also received assistance through the report submitted by the

Director, Disaster Management Unit Government of Maharashtra, which was placed before the learned Single Judge and which is relied upon by him in passing the order dated 11/08/2026.

With this material being placed before us, we can offer solution to the whole issue and that emerges rather by consensus with one thing being kept in mind that the Plaintiffs order of arrest of the ship remains unimpacted but at the same time, the safety of the environment and the Port as well as the other vessels which are berthed at the Port being taken care of.

We have noted that on 7/08/2026, when the Jaigarh Port expressed its apprehension about the vessel LPG Amir Gas (IMO No. 9167409) on the board containing dangerous inflammable cargo and by the very nature of the substance which required careful monitoring and cooling operations and it was expressed that if the temperature of the cargo is not maintained, there was every risk of the cargo heating up and exploding, thereby endangering the lives of the crew on board and causing damage not only to the vessel, but also to the port facilities, port infrastructure, as well as other ships and even environmental damage in form of pollution and damage to the entire ecology surrounding the port.

It is in this background, it was noted that the Director General of Shipping had inspected the Vessel on 5/08/2026 and found critical defects and deficiencies viz (a) cooling pump found to be non-operational, (b) Vessel's water sprinkler, firefighting system and sprinklers pumps non-operational, (c) Vessels inert gas system found to be non-operational and (d) Vessels P&I cover expired since 2026.

5. With the aforesaid circumstances being focused upon, the learned Single Judge directed the parties to seek instructions whether they would be willing to deposit the amount as security for discharge of the cargo, and the Plaintiff on instructions made a statement that it would deposit an amount of AED 34,78,481 (INR 90,359,457) as security by 10/08/2026 and upon such deposit, the Plaintiff was permitted to discharge the cargo, keeping in mind, the safety concerns and the action to be taken as per the report of the inspection of the Director General of Shipping.

The Customs also agreed to facilitate and permit the discharge of cargo of LPG from the vessel by the Plaintiff. However, the learned Single Judge, also contemplated the contingency even if no amount is deposited, the National Disaster Management Authority shall still render its full cooperation and assistance so as to avoid a disaster/ catastrophe that may result pursuant to the leakage of LPG in the Defendant-Vessel as highlighted in the report which was placed before us.

It was also directed that in the event, the security amount as indicated in the order, was deposited by the Plaintiff, the restraint on the discharge of LPG cargo would stand vacated though, the arrest of the vessel (Defendant No.1) shall continue.

The National Disaster Management Authority as well as the State Disaster Management Authority and Director General of Shipping were also directed to secure their presence on the next date of hearing and the matter was slated for further consideration on 10/08/2026.

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6. On 10/08/2026, the learned Single Judge noted that no payment was made by the Plaintiff, however, at this point of time Defendant No.3 (the Appellant before us) expressed its willingness to deposit the amount in the Court provided the Court permit discharge of the entire cargo in its favour and it also agreed to supply within 24 hours a minimum of 50 MT of marine gas oil and 10 kilo liters of lube oil to the vessel, thereby, discharging the responsibility which was cast on the Plaintiff by order dated 7/08/2026.

7. During the course of the hearing, the Court also attempted to ascertain from the Disaster Management Authorities as to what working plan would ensure safe release and discharge of the inflammable cargo of LPG and since the Government Pleader sought some time for having the plan being prepared, the proceedings were directed to be listed on 11/08/2026, with a direction to place the appropriate plan to ensure safe discharge/release of 1880.260 MT of LPG cargo.

8. During the pendency of the Appeal before us, the learned Single Judge passed an order in the morning hours, where the Disaster Management Authority had furnished its report on emergency measures to be undertaken at Jaigarh Port in respect of the Vessel LPG Amir Gas. The said report indicated continuous monitoring and it suggested that the vessel be discharged at the earliest possible opportunity under strict safety supervision. It also suggested that cooling operation be mandated without interruption until complete discharge and the Court was assured that NDRF and BPCL expert team shall remain stationed until the cargo is safely evacuated.

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Taking note of the aforesaid report, the learned Single Judge, in such peculiar situation, permitted removal of the vessel from the berth but in absence of the destination being allotted, it permitted the removal of the vessel under arrest only within the territorial waters of India and within the jurisdiction of the Court by ensuring all safety norms and precautions to be adhere to.

The Suit is further directed to be listed on 12/08/2026 at 11:00 a.m. for ascertaining further progress.

Between the day on which the Appeal was filed, and till today clarity is emerging from the order passed by the learned Single Judge, when he has permitted removal of the vessel from the berth so as to avoid any catastrophe though he has directed that the vessel shall continue to remain under territorial waters of India and within the jurisdiction of the Court.

9. The learned counsel for the Appellant (Original Defendant No.3) is under instructions to continue with his statement which was recorded in order dated 10/08/2026, that the Appellant within a period of 24 hours from today shall deposit AED 34,78,481 (INR 90,359,457) in this Court without prejudice to his claims/stand in the Suit and it would also supply minimum 50 MT of marine gas oil and 10 kilo litres of lube oil to the Defendant No.1. This deposit, however, shall ensure an order in its favour to discharge the Cargo.

We see no difficulty in granting this request, which was also taken note of by the learned Single Judge, in his order dated 10/08/2026.

Between 10/08/2026 and 11/08/2026, we have also seen that the learned Judge has permitted the vessel to be moved from the berth where it is presently anchored.

The learned counsel Mr. Bhole, representing the Port has also acceded to the said request, as according to him, the Port had approached the Court with an application, perceiving the potential of a disaster occurring, if huge quantity of cargo was kept stored in an unfavourable atmosphere, as it was found that the cooling was not working and which resulted into rise in the temperature of vessel and the possibility of explosion of LPG from the vessel being posed as a potential threat, which if occur would result into a catastrophe causing not only damage to the environment but also the surrounding flora, fauna, marine life habitation etc.

Mr. Bhole, therefore, expresses no objection and rather according to him, the direction given by the learned Single Judge to permit removal of the vessel from the board is a welcome step.

10. Though the learned Single Judge has granted this permission, in the wake of the undertaking given by the Appellant before us, to deposit the amount within 24 hours and ensure supply of the requisite fuel for running of the vessel and keeping the pump and cooling system running which would create a conducive atmosphere for transportation of the cargo, we direct that upon the Petitioner depositing the aforesaid amount within 24 hours in this Court and ensuring other compliance of supply of fuel, the cargo shall be permitted to be discharged in favour of the Appellant but the process of transferring the LPG shall take place at Anchorage Port and on moving the vessel from the present place where it is berthed which is

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away from the port area. The vessel shall be anchored at a safe place, which will ensure smooth transportation of the LPG from the cargo into the tanker which shall be provided by the Appellant.

In this whole operation, we expect the Disaster Management Unit of Government of Maharashtra to supervise the whole process and infact in the report submitted by the said Authority, it is also already stated that a specialized CBRN/Gas Leakage Response Team from Pune has been mobilized to Jaigarh Port for on-ground emergency preparedness.

Upon the fuel being furnished by the Appellant, the Port shall maintain uninterrupted cooling operation and ensure availability of bunkers supplies for the vessels nonetheless to say that it can recover the cost incurred on this count. At this stage, Mr. Bhole makes a statement that the bunkers with the capacity of 10 KL are already arranged.

We also request the Director General of Shipping to keep its vigilant eye over the vessel and ensure its safety as long as it is berthed at the port but also in transit when the vessel is being moved, its safety shall be ensured so as to avoid any disaster.

11. We also permit cargo to be discharged in favour of any entity who is authorized by the Appellant which may include Defendant No.2.

12. Mr. Bhole representing the Port has suggested that upon the vessel being fueled, it shall be taken to the anchorage (beyond 10 km) so that the vessel can be technically evaluated regarding its fitness and compliance with the norms prescribed by the Director of

Shipping. Once it is found that the vessel is capable of travelling, it is the Director General of Maritime Administration and the Disaster Management Authority with the participation of the JSW Port Administration shall take a stalk of the situation and permit the ship to move at a distance place, where it can be either anchored beyond 10 km so that the cargo can be discharged.

It shall also work out the feasibility of the discharge of the cargo while it is anchored on ship to ship basis. In any case, all these modalities shall be clearly worked out with a concerted effort on part of all concerned.

13. We also record the statement of the learned counsel for the Appellant that upon the requisite amount being deposited and since we have granted the permission to discharge the cargo, the discharge shall take place within a period of 7 days from the certification, issued by the Disaster Management Authority and the Director General of Maritime Administration within 48 hours, by ensuring all necessary safeguards so as to avoid any calamitous situation posing danger to the surroundings.

14. The direction of the deposit of 1 Crore in the Sheriff's account by the Plaintiff in the order 11/08/2026 is not warranted in the wake of the order passed by us and therefore we relieve the Plaintiff from discharging this responsibility.

15. Since the vessel is already fueled by the officials of the Port, we direct that the work of removing the vessel from the berth shall commence tomorrow at 11:00 a.m. as per the order passed by the learned Single Judge on 11/08/2026.

Since the order is passed in presence of the learned Government Pleader, who represent the Disaster Management Authority and in presence of the Officer, they shall immediately spring into action to implement the order.

Since, nothing survive in the Appeal for consideration, we dispose of the Appeal.

(ASHISH S. CHAVAN, J.)

(BHARATI DANGRE, J.)