

ITEM NO.32

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 20990/2024

[Arising out of impugned final judgment and order dated 12-07-2024 in OSA No. 10/2024 passed by the High Court of Karnataka at Bengaluru]

MV GLOBAL EMERALD

Petitioner(s)

VERSUS

MECK PETROLEUM DMCC & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.212836/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) :

Mr. C.A. Sundaram, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Ms. S. Lakshmi Iyer, Adv.
Mr. Devansh Srivastava, Adv.
Mr. Naman Gupta, Adv.
Mr. Prashant Asher, Adv.
Ms. Bulbul Singh Rajpurohit, Adv.
Mr. Naishadh Bhatia, Adv.
Mr. Zafar Inayat, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s) :

Mr. V.J. Mathew, Sr. Adv.
Ms. Anu B., AOR
Mr. Anirudh Kamath, Adv.
Mr. Bibhuti Krishna, Adv.
Mr. Vaibhav Choudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

It is submitted on behalf of the petitioner that in terms of

Section 2(1)(c)(iii) of the Commercial Courts Act, 2015¹, all issues relating to admiralty and maritime law have to be heard by a Commercial Court constituted under sub-Section (1) of Section 3 of the 2015 Act.

Section 12 of the Admiralty (Jurisdiction And Settlement Of Maritime Claims) Act, 2017² states that the provisions of the Code of Civil Procedure, 1908³ will apply to the proceedings before the High Court insofar as they are not inconsistent with or contrary to the provisions of the 2017 Act or the rules made thereunder.

However, our attention is drawn to Section 16 of the 2015 Act to submit that the amendments are made to the Code itself in terms of the Schedule. In other words, the Code, as amended by the Schedule, will be applicable.

Reference is made to the Circular dated 24.02.2022 issued by the High Court of Karnataka, whereby a commercial division consisting of a Single Judge has been constituted, each for the Principal Bench at Bengaluru and Benches at Dharwad and Kalaburagi.

We are informed that the High Courts of Orissa and Kerala have not constituted commercial divisions with regard to admiralty.

Before we pass appropriate orders, we deem it appropriate to issue notice to the High Courts of Karnataka, Kerala and Orissa to ascertain facts and their views. Notice will be served through the Registrars General of the respective High Courts.

We also deem it appropriate to issue notice to the learned

1 Hereinafter, "2015 Act."

2 Hereinafter, "2017 Act."

3 Hereinafter, "the Code."

Attorney General, who will appear in the matter and assist the Court.

Re-list in the week commencing 24.03.2025.

**(DEEPAK GUGLANI)
AR-cum-PS**

**(R.S. NARAYANAN)
ASSISTANT REGISTRAR**