



Admiralty, Maritime and Ship Arrest

Bangladesh is a maritime country with 710 KM of coastline at the vertex of the Bay of Bengal. It has two major seaports largest and busiest one is in Chittagong and the other port is in Mongla at Khulna. The admiralty court is located in the High Court in Dhaka. All maritime and admiralty related claims and proceedings are brought before the Admiralty court. Due to several factors like weather conditions, condition at the port, navigation error, pilotage etc collision does occur and such cases are not very uncommon in Admiralty court. Similarly, ownership disputes for local seagoing and non-sea going vessels are required to be brought before this court and the same are a regular item of this court. Foreign and local bunker suppliers, crews and mortgagee banks often invoke this jurisdiction for recovering their dues by arresting the vessels lying in Bangladesh territory. Involvement of International P&I Clubs and local and foreign Banks are a common affair as without their undertaking or bank guarantee respectively, the release of the ship cannot be insured. Claims arising from the carriage of goods, Shortfall of Cargo, Cargo damage, dead freight failure to pay freight and hire etc are nowadays common item as litigants are now more concerned with their rights. Action in rem for charter party claim for sub-freight on cargo lien can also be brought in limited cases depending on the arbitration clause. Our Chambers is one of the leading law firms in this area of law and has long experience of dealing with almost every kind of litigation which is brought before the Admiralty court of Dhaka.



"Specialist shipping practice covering the full scope of maritime issues including ship arrests, marine insurance, bills of lading and admiralty. Also handles shipbuilding matters... Interviewees are pleased with the team's ability to engage the client throughout the process, with one client explaining:

"Their response times are excellent and they make you feel generally very well informed." – Chambers & Partners, 2019.

"Rahman's Chambers handles finance and shipping. Work highlights included.... assisting Leading global marine insurance company with a collision that took place in the port of Chittagong.

The 'very responsible, responsive and knowledgeable' Mohammed Forrukh Rahman heads the firm."

Rahman's Chambers is one of the leading law firms in the area of Admiralty and maritime. The Firm for a decade successfully handling claims for local and foreign clients on different issues like bunker claim, collision, mortgage and charge claim, claim for freight, lien, sub-freight of ship-owner, charterers, salary and wages of the crew, seaman, disputes involving cargo damage and ship cargo ownership disputes etc. The firm represented carrier, shipper, bank, seaman and manager, P & I Club and also ship-owner with a very high success rate.

The Chambers lawyers regularly appear in the Admiralty court of the Hon'ble High Court Division for several claims for different parties with or without an application for Ship arrest on urgent basis. The Chambers knows the urgency and procedure of ship arrest and its response is always immediate. As our client says about Mr. Rahman:

"His fast and clear responses to our queries, even on unholy hours, assure us that our claim is being handled with such meticulousness that bridge the gap between the continents"

We understand the issues at stake. As our client says:

"I strongly recommend both M/s. Rahman's Chambers and Mr. Rahman for Shipping, maritime and international trade matters due to their excellent depth of knowledge in this area and their ability to provide remedy by putting their best effort."

The following works completed by Chambers successfully:

- We have successfully represented a leading P & I Club and the owner of MV Evolution in a complex dispute involving **damage of bulk cargo** in Chattogram (previously Chittagong) outer encourage. There were complex issues involving liability of master in cargo damage, rules & regulation on dumping of damaged cargo, which lead to significant delay in discharging and

release of the vessel. While suits filed by both parties were pending, we were able to reach settlement, which ensured full discharge of cargo and release of the vessel within shortest possible time.

- We have successfully resolved the dispute out of court on a multiple **collision** matter at Chattogram anchorage securing ship owner's interest on behalf of leading P & I Club for the vessel M.V. MIM SUPRAMAX VIVI. While suits filed by both parties were pending for trial, we successfully settled the matter with the other side out of court protecting client's best interest.
- We have advised client over **Charter-party** claim pending in LMAA arising from claim over sub freight involving discharge of cargo in Mongla port. We have also advised Piraeus based shipping company along with the concerned P & I Club and owner of M. V. GRIGORIY SHELINKOV over a charter-party dispute arising owing to **demurrage** and **damages for detention**.
- We acted for the owner of MV GLOBAL HARMONY, in a complex dispute involving claim of **lien** over cargo for failure to pay freight. We were finally able to settle the matter out of the court successfully and assisted the concerned P & I Club.
- Successfully recovered dues and interest for Marodi Services S.A.S, Italy and Ocean Energy Limited, Monaco for supply of **Bunker** to M.V. SWIFT CRO and MT MEGACORE HONAMI respectfully.
- Successfully filed admiralty suit for Seramontt Limited, UK against M.V. Dahiatul Kalbi for recovery of **loss of cargo** and acted for Achates Shipping Corp., Greece, owner of M. V. KOUROUPI in relation to a **cargo dispute**.
- Successfully settled **collision** claim for a leading P & I Club and Sea Satin Oceanway S.A. of Liberia and MV Marina R against MV FRANBO WIND and others.
- Successfully filed admiralty suit for Integr8 Fuels Inc, U.K. for breach of terms for supply of **Bunker** quality against local supplier.
- We acted for Bunge S.A., Switzerland, **disponent owner** of M. V. SUPRASTAR over dispute involving freight, hire and discharge of cargo resulted in filing of number of admiralty suits in Bangladesh and the same was settled as so far admiralty suit is involved unless it is allowed to discharge the cargo and sail from territorial water of Bangladesh.
- Successfully pleaded for protection of the jurisdiction of the Admiralty court as opposed to specialized tribunals for loan recovery cases filed for Banks for **ship finance and mortgage** in the landmark decision reported in [69 DLR \(2017\) 408](#) and also advised Kuwait Finance House Malaysia BHD, May Bank Malaysia over disputes involving **trade finance** which led to filing of admiralty suit in Bangladesh.
- Successfully filed **co-ownership** claim for First Security Islami Bank Limited against respective local owner.
- Successfully filed case for Komrowski Maritime, Germany in a **shipbuilding** disputes against local shipyard for recovery of dues against **supplies**.
- Successfully advised **Cosco Shipping** and assisted in releasing vessel M.V. LE TAI in **agency** dues related claim.

- Successfully recovered claim for due **salary, wages and service fees** for Sea Power Shipping Enterprises. Inc., a Ship-Manning company against MV LORD.
- Assisting OOCL for recovering **freight and charges** related dues from local shipper.

Ship Arrest

Ship arrest is a common remedy available to compel recovery in majority suits filed in admiralty court. The admiralty law unlike other civil law matters allows arrest of ship where plaintiff has maritime lien or the right is enforceable as action in rem.

We have significant experience of arresting vessels with the order of Hon'ble High Court Division for different parties e.g. Ship-owner, Banks, Co-owner for Ownership disputes, bunker and other supplier, shipper, charterer, etc. Most of the time the vessel was released on bank guarantee and later the matter was resolved out of court. Only in limited cases the matter was dragged for trial.

Bunkers & Other Supplies

We acted for major bunkers and other suppliers and also global sourcing companies in the recovery of dues or loss and damages arising from breach of supply contract while sourcing locally. We have successfully recovered dues by enforcing the maritime lien or by filing an action in rem case while the vessel was in the territorial water of Bangladesh for Marodi Services SAS of Italy, Ocean Energy Limited respectfully. The work often involves taking speedy actions as vessel often leave anytime. Relentless support of our specialized team of lawyers in High court and support of our Chattogram office in assisting Marshall of the Hon'ble court is often critical in securing arrest. As our client ('Marodi') says: "The firm successfully arrested a vessel berthed in Chittagong port by filing Admiralty suit in Bangladesh High court and successfully protected my interests". We have represented a Chinese Company over disputes involving outstanding amount arising from Supply contract in Bangladesh. We have also represented a global bunker supplier of Monaco in Bangladesh and our active representation allowed the company to recover its due.

Bank's Mortgage/Charge Claim & Other Disputes

Our firm assisted the Hon'ble court in securing a landmark order reported in 69 DLR (2017) 408 in our client's case confirming the jurisdiction of the Hon'ble court over recovery tribunals created for banks and financial institutions in case of ship finance. It is for the very first time decided that the admiralty court's jurisdiction cannot be ousted by statutory tribunals. We have advised a Malaysian finance company over disputes involving payment under a letter of credit by local L/C opening Bank involving fraudulent transaction having an impact on consignee as to its roles & responsibility in a suit filed in the admiralty court.

Co-Ownership Disputes

The chambers have successfully represented client over co-ownership disputes involving possession and earning from vessels. Our admiralty law allows maritime lien for co-ownership claims. Hence arresting vessel & enforce claim over income, is not unusual.

Collision Disputes

The Chambers handles several collision cases for Ship-owners and globally renowned P & I clubs. The Chamber is one of the very first law firms who filed cases for declaration for limitation of liability for Ship-owner as available under section 471 of Bangladesh Merchant Marine Ordinance. Chambers handled collision between container ships, container, and lighter, with naval vessels and also with Jetty. We have specialized knowledge experience and ability to deal with all collision matters. We have successfully released M.V. MAGNUM FORCE from detention of Bangladesh Navy through Court order. The Chambers represented the owner of M.V. MAGNUM FORCE on behalf of a Leading P & I Club, in a collision case involving the aforementioned vessel and a frigate of Bangladesh Navy at the Chattogram port of Bangladesh. We have successfully released the vessel through a Court order from the Admiralty jurisdiction of the Hon'ble High Court on submission of Bank Guarantee. The release was challenging as it was completed in and around the National Holiday period, while the Court was on vacation. Besides, time was of the essence as the Chambers worked tirelessly around the clock to secure the release of the vessel in the shortest period of time possible.

Claim for Loss/Damages of Cargo/Shortfall

The chambers successfully brought a case for the major UK based global seller/shipper of food grain in recovering dues against carrier/ship owner by filing Admiralty suits for cargo damage caused due to deviation & delay. We also represent a major global supplier of Vegetable oil from Malaysia in a dispute arising out of cargo shortfall in Bangladesh in a suit filed by the consignee.

Salary, Wages etc. Claim

The Chambers worked for foreign ship manager and supplier of crew and were able to successfully recover the wages, fees etc. claims of crews and manager.

Freight/Dead Freight and Demurrage Claim

The chambers represented OOCL in recovering freight and charges from local shipper. We also represented a South Korea based major shipping company in recovering freight charges & other dues against shipper/cargo owner as well as charterer and Consignee/Buyer.

Our Related Clients:

- Marodi Service SAS, Venice, Italy
- Hildebrand Singapore Private Limited
- Komrowski Maritime GmbH, Germany
- Ernst Komrowski holding KG (GmbH & CO.)
- Ocean International Limited (Agent of Hyundai Marine Co. Ltd)
- Sea Satin Oceanway, Liberia
- Sea Power Shipping Enterprise Inc.
- Maersk Bangladesh Ltd
- OOCL Bangladesh
- First Security Islami Bank Ltd
- Seramontt Limited
- Integr8 Fuels Inc.
- Felda IFFCO Group of Companies
- Ocean Energy Ltd, Monaco
- Atrium Maritime S. A.
- Smooth Navigation S. A.
- Bunge S.A.
- P. L. Ferrari & Co. Srl, Piraeus
- Achates Shipping Corp., Greece

- May Bank Malaysia
- Kuwait Finance House, Malaysia BHD

Our Reported Cases:

- First Security Islami Bank Ltd vs MV Javed and others reported in [69 DLR \(2017\) 408](#)
- Maersk Bangladesh Limited vs Bangladesh reported in [4CLC\(HCD\)79](#).

- Alvi Spinning Mills Ltd & Others vs Govt of Bangladesh and others reported in [19 MLR\(HCD\)277](#)
- Marodi Services vs MV Swift Cro. reported in [2 CLR\(HCD\) \(2014\) 456](#)
- Freight Management and 16 others vs Bangladesh Bank reported in [2 CLR \(HCD\) 586](#); [19 MLR \(HCD\)336](#)