

CASE OF DELAYED CREW FOR MANNING OF DOCKED VESSEL:

M.V. SEABIRD

By Adv. E. O. Mendes

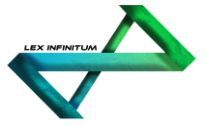
Vikramaditya Shipping Company Ltd, is a grand old establishment set up over half a century ago by late Vikramaditya Bhatt from coastal Ratnagiri. The company has seen its fair share of glorious days. At one time it had a fleet of merchant ships sailing all along the western coast of India and the Gulf trading in spices, gold and precious stones besides commercial goods and services. His son Amar branched into passenger sailing vessels and it also added to the fortunes of the company. However, due to cheap and fast air travel the passenger vessel business failed and to add to its woes one bad weather off the coast of Kutch the vessel ran aground and ripped the fortunes apart of the Company.

Amar expanded into bulk break vessels and managed to keep the company afloat. However, the toll of rebuilding the company's fortunes had a huge toll on Amar's health and he was forced to hand over the reigns of the company to his son and heir Jyoti Rao.

Jyoti Rao has a prestigious MBA degree as well as a Masters in Marine Sciences (MMS). He has achieved his name and fame through hard work, dedication and fortitude. He hates a person who is slack at work and hates even more a person who has no loyalties. Through his contacts in the maritime industry Jyoti Rao came to know of a coastal cargo vessel that was available for a very low price. It required a bit of overhauling to make it ready for sailing during the next fair-weather season on the west coast of India.

Jyoti Rao got the vessel M.V. Seabird docked at the prestigious Westwind dockyard for overhauling and getting the vessel ready for sailing before the fair-weather season. The dockyard had programmed the vessel ready for sea trials by 15th May





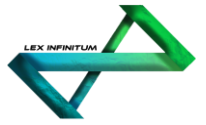
2022 and if the sea trials were successful Jyoti Rao could expect the vessel to be ready for sailing by August 2022.

In order to do sea trials, it was necessary to have the minimum crew on board by 14th May 2022 and as usual Jyoti Rao turned to Goodman Crew Pvt. Ltd to provide the crew for the sea trials. It was essential that the sea trials be completed before the onset of monsoons as otherwise the sea trials would have to be postponed after the monsoons and the fair-weather season would be halfway over. Goodman Crew Pvt. Ltd has been supplying crew to Vikramaditya Shipping Company since a decade and have always enjoyed a very good relationship due to providing excellent services and crew. Goodman Crew Pvt. Ltd is a brainchild of Marine Master Matthew who is a retired Sea Captain. Matthew has been having excellent relationship with Jyoti Rao as Matthew was once a Captain on his grandfather's ship and Jyoti Rao had spent a whole holiday sailing on board that ship. Jyoti Rao has great regards for Matthew.

The crew was detailed but it was to join by the 20th of May 2022. However, only half the compliment of the crew showed up. When the Chief Personnel Officer of Goodman Crew Pvt. Ltd was contacted by the Manager (HR) of Vikramaditya Shipping Company it was found that the Chief Personnel Officer was not in office and would not be available for a week and in his absence, there was no one who had any knowledge of the balance crew. After a delay of two weeks a fresh set of crews was organised and it took the crew another six days to arrive thus joining the vessel in the dockyard only by 10th of June. To add to their misfortune the monsoons arrived early and commenced by late evening of 10th June itself. It was thus inevitable that the sea trials had to be postponed to after the monsoons and the earliest sea trials that could be undertaken would only be in the last week of August 2022. It would then require another 8 weeks for the vessel to be at sailing readiness.

Jyoti Rao was angry and annoyed not only with his staff but also with the way Goodman Crew Pvt. Ltd handled the crewing. He had hoped to catch the start of





the sailing season for a very good and lucrative coastal trade. The Government of India had just finished an ambitious hub of commercial zones all along the western coast of India and had programmed connectivity by sea. Several Shippers were all eyeing to entrench themselves in this project and for this they had to have at least one coastal vessel in readiness at the start of the fair-weather season. The delay in the readiness of the vessel meant that Vikramaditya Shipping Company would not be available in the consideration at the start of the fair-weather season.

Over and above the crew are claiming for a month's wages although their services have not been utilized. The Dockyard is also warned that it would claim dockyard hire charges for the extended period of the Vessel inside the dockyard.

Jyoti Rao has requested his lawyers to examine the filing of a commercial Suit to claim for damages to cover the crew's wages, the Dock Hire charges as well as Rupees One crore in compensation for loss of earnings due to the likely non availability of the ship.

His Lawyers feel that they may have a fairly good chance for the claims but the Chief counsel of Vikramaditya Shipping Company Mr. Vakil Shri who has known Jyoti Rao for a long time is aware of the friendship between Jyoti Rao and Matthew. He has suggested to Jyoti Rao to first try to resolve the dispute through Mediation and in any case since it would be a Commercial suit the Law requires the Plaintiff to first seek Mediation before the filing of the suit. Jyoti Rao has agreed and will be accompanied by Vakil shri; Matthew has indicated that he would attend the mediation personally accompanied by an outside counsel.

