

An Indian owner is chasing the offshore wing of Dubai's Emirates Trading Agency for a \$2.5bn arbitration award.

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Dubai-based Emirates Trading Agency (ETA) and its offshore subsidiary, Marsol, are in the spotlight again over a lost London arbitration over hire and redelivery disputes — this time with India's Great Eastern Shipping.

Mumbai-based Greatship (India) Ltd, a Great Eastern affiliate, is now pursuing Dubai-based Marine Logistics Solutions (Marsol) LLC in Manhattan's Southern District of New York (SDNY) federal court with a motion to confirm a London arbitration award amounting to nearly \$2.5m in all over the failed charter of two newbuilding anchor-handling tug supply (AHTS) vessels.

In November 2007, Greatship's Colombo-contracted, 7,180-bhp, 91-tonne-bollard-pull (tbp) newbuildings *Greatship Amrita* and *Greatship Anjali* (both built 2008) were chartered to Marsol for an unknown period. The charter rate for the Indian-flag AHTSs has not been disclosed but would appear to have been a net \$16,920 per day, as calculated on the basis of sums in Greatship's legal filings.

Filings in support of Greatship's claims indicate that by June 2009, Marsol was falling behind on hire. In October of that year, settlement agreements signed by Greatship managing director Ravi Sheth and Marsol executive director Syed Bukhari acknowledged charter-hire defaults on both vessels plus a \$450,000 agreed penalty for the



# Greatship hunting payment in charter dispute

**HIRE DISPUTE:** ETA and offshore wing Marsol chartered Greatship's "Greatship Amrita" and "Greatship Anjali" (both built 2008).

Photo: Jonathan Boonzaier

early redelivery of *Greatship Amrita*. These defaults were to be resolved through a schedule of payments. But Greatship claimed Marsol failed to pay the first two installments in full. That triggered an accelerated repayment of the entire sum with 10% annual interest for delayed payment.

Greatship and Marsol respectively appointed arbitrators Stuart Fitzpatrick and David Martin Clark, whose September 2010 fi-

nal award granted Greatship its full claim of some \$2.17m plus costs and interest.

Marsol's litigation record indicates that it has been on both ends of redelivery disputes during the global financial crisis.

Reports from TradeWinds in June 2009 indicate that Marsol was then claiming \$11.7m in damages against Indian charterer Eneroil for early redelivery of the 10,880-bhp, 136.5-tbp *Marsol Hauler* (built 2008) from a seven-

year bareboat charter. The Chinese-built AHTS was subject of a sale-and-leaseback deal with financiers Tufton Oceanic and DVB.

Marsol's associated companies have been through an eventful legal year.

In August of last year, TradeWinds reported that Germany's Harren & Partner had won a London arbitration worth over \$10m over a similarly failed settlement agreement over ETA's defaulted charter of two supramax bulkers.

In September, TradeWinds published details of a confidential credit report by maritime sleuths Dynamar, which emerged as a result of Harren's US legal moves to collect on its London award. In November, the TradeWinds online service reported that Taiwanese coastguard vessels had caught an ETA-managed bulker, the 76,000-dwt *Star of Nippon* (built 2004), after a 164-kilometre (102-mile) chase at sea following a collision with a fishing vessel.