

BLANK ROME LLP
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | |
|--------------------------------|---|
| -----X | |
| DELTA CORP SHIPPING PTE LTD, | : |
| | : |
| Plaintiff, | : |
| | : |
| - against - | : |
| | : |
| | : |
| RANKERS INTERNATIONAL PVT LTD, | : |
| | : |
| Defendant | : |
| -----X | |

Civil Action:
IN ADMIRALTY

VERIFIED COMPLAINT

Delta Corp Shipping Pte Ltd (“Plaintiff”) by and through its attorneys Blank Rome LLP as and for its Verified Complaint against the Defendant Rankers International Pvt Ltd (“Rankers”) allege as follows:

JURISDICTION AND VENUE

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has admiralty jurisdiction under 28 U.S.C. §1333.

2. Venue is proper in this District because there is, or will be during the pendency of this action, property of or due and owing to Rankers within or moving through this District as will be more fully discussed herein.

3. Rankers is not registered to do business in New York. As such, Rankers cannot be found in this District within the meaning of Rule B of the Supplemental Rules for Admiralty and Maritime Claims.

THE PARTIES

4. Plaintiff is a foreign company organized under laws of Singapore, with a principal place of business of 22 Malacca Street, #04-03 R.B. Capital Building, Singapore, 048980.

5. Defendant Rankers is a foreign company organized under the laws of India, with a principal place of business of Plot no. 12, Rankers House, Sector 1, Gandhidham, Gujarat 370201, India.

THE FACTS¹

I. The Charter Party

6. At all material times, Plaintiff was the disponent owner of the vessel M/V STAR ERACLE.

7. Defendant Rankers is engaged in producing, processing, and exporting salt and other products from India and entered into a charter party with Plaintiff dated February 28, 2020 for the transport of 55,000/10% MOLEE of bulk salt from Kandla, India to Lianyungang, China (the “Charter Party”) with a laycan at the loadport of April 1-10, 2020. *See* Turnbull Decl. ¶ 5-6.

8. Pursuant to the Charter Party, Plaintiff was to nominate a vessel to perform the transport within three days of arrival at the loadport and Defendant was to confirm the nominated vessel within one day of arrival at the loadport. *See* Turnbull Decl. ¶ 7.

¹ A true and correct copy of the Declaration of Elizabeth Turnbull dated November 4, 2020 is attached as Ex. 1. (the “Turnbull Decl.”)

9. On March 25, 2020, Defendant Rankers attempted to cancel the Charter Party by invoking Force Majeure due to the COVID-19 pandemic and resulting challenges for Rankers' operations. *See* Turnbull Decl. ¶ 8.

10. The Force Majeure clause of the Charter Party does not cover the COVID-19 related challenges alleged by Defendant. Further, the loadport remained open and Defendant Rankers was actively shipping salt out of the loadport during the Charter Party laycan. *See* Turnbull Decl. ¶ 9.

11. On March 30, 2020, Plaintiff nominated the M/V STAR ERACLE to perform the transportation under the Charter Party. *See* Turnbull Decl. ¶ 10.

12. Defendant Rankers responded on March 31, 2020 and rejected the nomination of the M/V STAR ERACLE, citing the COVID-19 pandemic. *See* Turnbull Decl. ¶ 11.

13. Defendant Rankers breached the Charter Party by failing to confirm the nomination of the M/V STAR ERACLE arriving within the laycan under the Charter Party and by failing to provide the cargo for transport under the Charter Party.

II. The London Arbitration

14. On July 2, 2020, Plaintiff's London Solicitors Preston Turnbull LLP commenced proceedings before the London Maritime Arbitrators Association ("LMAA"). *See* Turnbull Decl. ¶ 4.

15. Plaintiff's London Claims Submission alleges Defendant Rankers breached the Charter Party by failing to provide the cargo for transport under the Charter Party. *See* Turnbull Decl. ¶ 5.

16. As a result of Defendant Rankers' breach, Plaintiff suffered damages as follows:

- a. Loss of profit: \$148,440.16

- b. FFA hedge losses: \$134,250.00
- c. Bunker hedge losses: \$77,500.00
- d. Total: \$360,190.16**

See Turnbull Decl. ¶ 12.

III. The Rule B Action

17. Plaintiff has commenced this action to obtain security for the claims described above and reserves its right to arbitrate all such disputes as well as such additional ones as may arise. In particular, Plaintiff reserves its right to amend this complaint and to claim in the London arbitration amounts based on claims alleged above but not yet fully quantified and to include such additional claims and damages as it may suffer as a result of Defendant's breach of the Charter Party.

18. The principal amount of the claims for which Plaintiff presently seeks security in this action is **\$360,190.16**, the maximum sum of the amounts claimed in paragraph 16, above.

19. The claim with respect to the alleged breach of the Charter Party is fact-intensive and has been expensive to prepare and present to the LMAA arbitrators. Maritime Arbitrators in London award interest, legal fees and arbitral costs to a successful party. Plaintiff estimates interest and legal costs will be in the sum of at least \$201,600.

20. The total amount of Plaintiff's claims for which Plaintiff requests issuance of Process of Maritime Attachment and Garnishment is **\$561,790.16**.

21. Defendant Rankers cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but Defendant is believed to have or will have during the pendency of this action,

assets within this district consisting of cash, funds, freight, hire, and/or credits in the hands of garnishees in this District.

22. Plaintiff believes Defendant Rankers has a bank account at HSBC Bank USA in New York based on financial information available to Plaintiff.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against the Defendant citing it to appear and answer under oath all and singular the matters alleged in the Complaint;

B. That since the Defendant cannot be found within this District pursuant to Rule B of the Supplemental Rules for Admiralty and Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, attaching all of Defendant's tangible or intangible property or any other funds held by any garnishee in the district which are due and owing or otherwise the property of to the Defendant up to the amount of **\$561,790.16** to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged in the Complaint;

C. That since it appears that the U.S. Marshal's Service lacks sufficient staff to effect service of process of Maritime Attachment and Garnishment promptly or economically, and that since appointing a person over 18 years of age and who is not a party to this action will result in substantial economies in time and expense, such a person be appointed pursuant to Fed.R.Civ.P. 4(c) to serve process of Maritime Attachment and Garnishment in this action.

D. That this Court enter judgment for Plaintiff's damages plus costs, or retain jurisdiction over this matter through the entry of a judgment on an arbitration award.

E. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: November 4, 2020

BLANK ROME LLP

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Counsel for Plaintiff

ATTORNEY'S VERIFICATION

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome LLP, attorneys for the Plaintiff.

2. I have read the foregoing Complaint and I believe the contents thereof are true.

3. The reason this Verification is made by deponent and not by Plaintiff is that Plaintiff is a foreign corporation, and no officer or director is presently within this jurisdiction.

4. The sources of my information and belief are documents provided to me and statements made to me by representatives of the Plaintiff.

Pursuant to 28 U.S.C. § 1746(1), I solemnly declare under penalty of perjury that the foregoing is true and correct.

Executed on November 4, 2020.

/s/ Lauren B. Wilgus
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