

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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JURISDICTIONAL CONFLICT BETWEEN ADMIRALTY LAW AND THE INSOLVENCY AND BANKRUPTCY CODE: ANALYZING THE STATE OF THE IBC AS A GENERAL OR SPECIAL LAW AND ITS IMPACT ON MARITIME LOGISTICS

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SASTRA University

ABSTRACT:

The importance of maritime sector cannot be undermined when it comes to global business, since shipping forms the foundation for the same. Further, it is imperative that the Insolvency and Bankruptcy Code, 2016 has been enacted to ensure that the process of insolvency takes place within a specified period of time. The interaction between the Insolvency Law and admiralty law, however, created significant jurisdictional conflicts, particularly in situations involving ship arrests during Corporate Insolvency Resolution Process. This research examines the conflict between the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 and the IBC, focusing on whether the Code should be treated as general or special law and how such classification impacts maritime logistics. It analysis the evolution of admiralty jurisdiction in India, the recognition of maritime liens and action in-rem, and the unique legal position of ship as separate juristic person. It further explores the effect of sections 14 and 238 of the IBC, which impose a moratorium and provide overriding effect to insolvency proceedings. Judicial decisions such as *M.V. Elisabeth v Harwan Investment*, *Raj Shipping Agencies v Barge Madhwa* and *Angre Port Pvt.Ltd v TAG 15* are examined to understand how the Indian Courts have attempted to harmonize the two statutes. It argues that while the IBC seeks collective insolvency resolution, admiralty law protects specialized maritime claims that arise from international shipping operations. The absence of complete statutory harmony affects maritime logistics through vessel detention, supply chain disruption, financial uncertainty. It concludes that a balanced and harmonized legal framework is necessary to safeguard maritime industry, ensure efficient insolvency resolution and protect the interest of maritime creditors while maintaining continuity in global shipping operations.

INTRODUCTION:

¹Insolvency means not being able to pay debts. Both businesses and individuals can face insolvency. This often happens because of problems, such as monthly cash inflow, higher expenses or poor cash handling. Insolvency is sometimes a short-term issue. For instance, if a business customers delay paying their bills the business might struggle to pay its suppliers on time. In cases using a credit card, a line of credit, or a short-term loan can often solve the problem. However, if the cash flow issues continue insolvency can lead to court action and bankruptcy. ²Bankruptcy is the process that gives one an opportunity to get a fresh start where one may not afford to meet their commitments. Normally, this is through filing for bankruptcy in a court of law. This followed by a decision by the judge on whether to make one part with some of their property to settle the debt or to simply reorganize the debt to pay back as much as possible. “A ship is not merely a vessel of transport, but a floating unit of commerce, finance and legal obligations”. ³Here, connecting the part of the world with many shipping firms, ship and sea routes are plays a vital role. Shipping and transport are very essential parts of this sector. Nowadays, most of the goods are need to be imported and exported, including like food, manufactured goods, materials, energy supplies, and crude oil, making maritime transport crucial. Ships and cargo carry all sorts of products, like cars, electronics, materials, and machinery, facilitating import and export. Overall, it is used for over 80% of the trade volume worldwide. Therefore, shipping and cargo help the other countries to engage in commerce, which supports global connections and market development, allowing countries to grow the countries in better ways. The shipping and maritime industry also offering a lot of jobs like sailors, logistics professionals, shipbuilders and more. Container ships and large cargo vessels are used to transport the materials from one place to another, and from seller to buyer. This supports the great global economy and ongoing industrial activities. Under the efficient maritime logistics, were the pricing of goods for consumers may affect the businesses in domestic and international markets. It will be determined based on the needs of the people. Simultaneously, development of ports and advancements in maritime technology have enhanced the smooth functioning, reliability and resilience of shipping and global development. Shipping and maritime play a crucial role in making connections with the international trade and supporting for the growth of the global economy.⁴ The definition of

¹ NetSuite, *What Is Insolvency? Definition, How It Works & Laws*, [NetSuite](#) (last visited May 9, 2026)

² Julia Kagan, *Bankruptcy: What It Is, How It Works, Types & Examples*, [Investopedia](#) (last updated Apr. 11, 2025) (last visited May 9, 2026).

³ Ünoks, *The Role of the Maritime Sector in Global Trade*, [Ünoks](#) (Mar. 24, 2024) (last visited May 9, 2026).

⁴ John Doe, *Insolvency and Maritime Claims in India*, [Lexology](#) (last visited May 9, 2026).

Admiralty Law can also be the law that has been used in dealing with admiralty cases, such as those regarding navigation, commerce, and trade in navigable waters. Regarding the practice area, it is considered broad one because there are many legal issues can arise due to activities in the marine environment. The application of Admiralty Law in the Bahamas has been very extensive in regulating all business dealings involving ships on the navigable waters in The Bahamas. The practice area includes maritime contracts, maritime salvage, maritime liens, maritime tort, collision, and pollution. The objective of Admiralty Law is to ensure smooth maritime business dealings. This choice of topic is based on the importance of shipping industry in international business. However, the shipping industry faces many legal challenges when dealing with bankruptcy. Many legal challenges that can arise in the context of bankruptcy and maritime laws. These legal challenges include maritime law problems, ship arrests, creditor claims, and ships being considered distant legal entities. Considering the importance of maritime transportation and the law on bankruptcy under the 2016 Insolvency and Bankruptcy Code, it becomes essential to study the relationship between these two bodies of law.

ADMIRALTY LAW AS A SPECIAL MARITIME FRAMEWORK:

⁵History and Admiralty Jurisdiction: The British East India Company began making rules in India in 1778. They established a court called the Recorder's Court in Bombay to resolve trade problems. This court assisted with business issues that arose as trade grew rapidly at Bombay Port. The trade was increasing quickly. As trade expanded, the Recorder's Court couldn't manage problems effectively. Thus, the British Crown established the Supreme Court of Judicature at Bombay in 1823. The court possessed powers similar to the High Court of Admiralty in England. The Supreme Court of Judicature at Bombay exercised jurisdiction over maritime disputes. A significant transformation occurred in 1861 when the Indian High Courts Act was passed. This legislation established High Courts at Bombay, Calcutta, and Madras. These courts were equipped to handle navigation issues. The High Courts were granted powers. They began dealing with navigation cases. The Colonial Courts of Admiralty Act in 1980 and Admiralty (India) Act in 1891 made these High Courts the Colonial Courts of Admiralty. They incorporated navigation laws into legislation. The navigation laws became part of statutory law. When India became independent, the Constitution retained these laws until new legislation was enacted. The Admiralty Act in 2017 abolished old laws. It established a system to resolve

⁵ Dr. Shrikant Hathi & Binita Hathi, *History and Admiralty Jurisdiction of the High Courts*, [Admiralty Practice](#) (last visited May 9, 2026)

issues in India. The new system aids in regulating trade, shipping, and business related to India's growing economy. India's maritime economy is expanding rapidly. Navigational governance helps regulate trade, shipping and business. It addresses navigation issues in India. The navigational governance system in India is based on laws that address navigation challenges. The laws are implemented to handle navigation challenges. The laws are implemented to handle navigation problems. Navigational governance is crucial for India's economy. It plays a significant role in India's growth.

Extension of Admiralty Jurisdiction to Coastal High Courts: The important change resulting from the Admiralty (Governance and Settlement of Maritime Claims) Act, 2017, is that of the expansion of the ambit of maritime governance outside the jurisdiction of High Courts. Section 3 allows the application of maritime law to littoral High Courts, which include High Courts in the states of Gujarat, Kerala, Karnataka, Orissa, Andhra Pradesh, and Telangana. In effect, the change parallels the growing relevance of the maritime industry to the Indian banking system. The move has enhanced access to maritime justice, reduced the procedural difficulties faced by petitioners, built technical capability on part of indigenous courts, and strengthened the maritime jurisprudence of India.

Maritime claims under section 4 of the Admiralty Act 2017: The Admiralty Act 2017 has a list of Maritime claims that fall under the control of governance. The list includes problems with the power and ownership of vessels like who owns a Maritime Claim vessel and who has the right to make decisions about the vessel. It also includes things like mortgages on Maritime Claim vessel. The Admiralty Act 2017 covers Maritime Claims related to collisions between vessels, salvage operations to save a Maritime Claim, towing and pilot services to help Maritime Claim vessel navigate. The Admiralty Act 2017 also covers things like the provision of fuel for Maritime Claim vessels, construction and repair of Maritime Claim vessels crew claims for things like wages. Maritime Claims related to insurance and environmental issues like oil spills. By listing these Maritime Claims in the law the Admiralty Act 2017 helps to clear up any confusion about what falls under governance especially with the new laws that are in place.

Vessel Arrest and Release Procedures: The Admiralty Act of 2017 in sections 5 and 6 explains the steps to be taken when a Maritime Claim vessel is arrested or released. A High Court can order the arrest of a Maritime Claim vessel to ensure that a Maritime Claim is paid

if the lawyer can show that there is a case. The Admiralty Act 2017 also says that a Maritime Claim Vessel can be arrested if it is owned by the person who owns Maritime vessels that owes money. This means that Maritime Claim vessel owners cannot avoid paying their debts by using company structures to hide their assets. A Maritime Claim vessel can be released if the owner pays a security deposit, which can be, in the form of a bank guarantee a letter of undertaking or a cash deposit to guarantee that the Maritime Claim will be paid.

Priority of Maritime Liens Under Section 9: The section provides for the priority of Maritime liens and lays down the sequence in which payment shall be made from the sale proceeds of vessels through the process of judicial sale. The wages of crew members and the master are the first priority followed by claims such as damages for personal injuries, claims related to salvage operations, and harbour or pilotage charges. Other maritime claims will come up subsequently. Maritime liens relate to the ship and do not cease to exist despite transfer of title, providing security for those having maritime claims.

One of the crucial cases that made impact on Admiralty Law in India is **M.V. Elisabeth v Harwan Investment & Trading Pvt. Limited.** In 1993 one of the important advancements made in the field of admiralty jurisdiction in India took place. It was established by the Supreme Court that the Admiralty Jurisdiction was available to Indian High Courts through Article 215 of the Indian Constitution, rather than relying only on the colonial statutes. The court emphasized that the Admiralty Jurisdiction should be expanded to suit international maritime laws and the existing business practices. In **Epoch Enterrepots v M.V.Won Fu (2003)**, the Supreme Court reiterated the broad scope of Admiralty Jurisdiction in India and emphasized on its importance in making enforcement of claims.

INSOLVENCY & BANKRUPTCY CODE AS A COMPREHENSIVE INSOLVENCY LAW:

Objective of IBM:

⁶Approach to Corporate Insolvency Resolution Under the Code: It should be noted that the Code stresses insolvency resolution in a time-bound manner rather than merely securing debt and asset preservation. The Code outlines an insolvency regime under insolvency regime under a single law in order to achieve maximum asset values, encourage entrepreneurship, improve

⁶ *Objectives of Insolvency and Bankruptcy Code, 2016*, [TaxTMI](#) (last visited May 9, 2026)

ease of business, balance stakeholder interests, provide regulatory oversight, and treat the Code as a beneficent enactment, whereby the revival of the corporate debtor takes precedence over debt recovery, necessitating purposive and liberal interpretation and adherence to timely action. The objectives of the Insolvency and Bankruptcy Code, 2016 include the consolidation and amendment of laws related to insolvency and bankruptcy, insolvency resolution process in a time-bound manner, maximization of asset values, encouragement of entrepreneurship, and ease of doing business in India.

Corporate Insolvency Resolution Process:

⁷Commercial Bankruptcy Resolution Process is an important measure that needs to be undertaken if, in any case, the company becomes incapable of paying off the debts incurred owing to some reasons. The introduction of new legislation namely the Bankruptcy and Bankruptcy Code 2016-is significant in ensuring that there is proper consideration of using the concept of CIRP is also important in India because it guarantees a proper avenue through which defaulted loans can be retrieved by the companies, thus providing relief to the companies that want to close shop or even restructure their operations. In conclusion, the use of CIRP would facilitate the proper value maximization of resources, prompt closure of worries in firms, and increased investor confidence. It is now time we delve into gaining further insight into CIRP.

⁸**Section 14 Moratorium and Admiralty Proceedings:** Insolvency and Bankruptcy Code 2016. As per Section 14 is imposed immediately after the commencement of the Corporate Insolvency Resolution Process (CIRP). No suits, execution proceedings, recovery actions or enforcement measures during this period cannot be initiated or continued against the corporate debtor. Maritime claimants often seek arrest of vessels to secure their claims. A Jurisdictional conflict in this regard arises when admiralty proceedings under the IBC. While the IBC seeks collective resolution and preservation of debtor's assets for all creditors, the admiralty while admiralty law aims to protect individual maritime creditors through actions in rem against ships.

⁹**Section 238 and the Overriding Effect of IBC:** An Overriding effect to the Insolvency and

⁷ *Corporate Insolvency Resolution Process: Key Stages, Challenges & Impact*, [The Legal School](https://www.thelegalschool.in) (last visited May 9, 2026). ([thelegalschool.in](https://www.thelegalschool.in))

⁸ *Section 14 – Moratorium*, [Companies Act Integrated Ready Reckoner \(CAIRR\)](https://www.cairr.com) (last visited May 9, 2026).

⁹ *Section 238 of IBC: Detailed Explanation on Meaning, Procedure & Challenges*, [LawBhoomi](https://www.lawbhoomi.com) (last visited May 9, 2026).

Bankruptcy Code is granted in the Section 238 over any other inconsistent law in force. This provision plays a crucial role in determining the relationship between insolvency proceedings and admiralty jurisdiction. Courts have examined repeatedly whether admiralty actions, including arrest and sale of vessels, can continued once CIRP has commenced the corporate debtor. In order to ensure maximization of assets and equitable treatment of creditors the overriding nature of the IBC strengthens the position that the insolvency resolution should prevail over individual enforcement proceedings. However, debate over autonomy and survival of admiralty remedies under maritime law generated in this regard.

The Insolvency and Bankruptcy Code 2016 get a lot of power from Section 238. This section says that the Insolvency and Bankruptcy Code 2016 is more important than any law. This means that the goals of the Corporate Insolvency Resolution Process like solving insolvency problems and getting the value from the Insolvency and Bankruptcy Code 2016 assets will not be stopped by other laws that say different things. This has caused a problem between the Insolvency and Bankruptcy Code 2016 law and the admiralty law in India. When it comes to admiralty law maritime courts have the power to arrest and sell ships to pay for things like wages, salvage claims and mortgage claims. These are parts of law because ships can move and leave the country at any time. On the hand when the Corporate Insolvency Resolution Process 2016 Section 14 says that nobody can take any action against the company to get their money back. This is done to keep the Insolvency and Bankruptcy Code 2016 company's assets so that all creditors can get a share. This is an issue because it is not clear if maritime law can still be used when the IBC 2016 is effect. Indian Courts have said that the IBC 2016 is more important than laws when t comes to insolvency. They have also said that maritime claims are special and need to be protected because shipping's an international business. The question to be addressed here is the scope and applicability of section 238 of the IBC, 2016. In this regard, one wonders if the IBC can be regarded as just another Act of Law that deals with insolvency and bankruptcy or if it should be considered as a Special Act that takes precedence over all other acts. ¹⁰In case **Angre Port Private Ltd V. TAG 15 and Another** were, Angre Port filed a lawsuit against the vessel TAG-15 was detained by the port under admiralty proceedings while the owner of the ship, Tag Offshore Ltd, was under the process of insolvency proceedings under the Insolvency and Bankruptcy Code. The primary question before the court in this case is whether an admiralty action could have been brought against the vessel regardless of any proceedings initiated against the owner company under the IBC.

¹⁰ *Angre Port Private Ltd. v. TAG 15*, Commercial Admiralty Suit (L) No. 4 of 2020, decided on Jan. 3, 2022 (Bom. H.C.).

¹¹**Raj Shipping Agencies V. Barge Madhwa** in this case which focused on the relationship between the two acts with regard to insolvency of ship owing corporations. According to the Bombay High Court, an admiralty jurisdiction case filed against the ship is distinct from the general case filed against the corporation because it is an in-rem suit against the ship. Hence, the provisions of insolvency or moratorium under IBC cannot be said to be exhaustive with respect to admiralty proceedings can be put on hold to enable smooth flow of the insolvency process. Permission under Section 446 of Companies Act is not required in admiralty proceedings as Admiralty Act is a special law having its own provisions in this regard.

The Code – General or Special Law?

¹²The rationale in the **Barge Madhwa** tries to bring harmony between the code and the Admiralty Act and it is submitted that in interpreting the statutes, it ought to be brought in harmony. The problems with the said approach and inconsistencies resulting from the same have already been highlighted. As rightly acknowledged, although reconciling the statutes with respect to the issue of the suit in rem against the vessel, Barge Madhwa succeeded in achieving its objective, but in cases of secured creditors, priority in liquidation process, it cannot be done. It is submitted that in the said case, the court should first ask whether in the said case of contradiction, which statute will prevail. Although it is submitted that the two can be reconciled on occasions, as observed by the court itself, in instances when there exist two special statutes where one of the statutes contain a non obstante clause the one containing such a clause shall prevail. That is to say, in the case at hand, the code prevails. There is a different view.

Though an enactment may appear to be general in one sense but special in another, it would be necessary to take into account two considerations, viz.,

- i. The fundamental problem sought to be tackled by the enactment
- ii. The standpoint from which the enactment is approached.

As indicated above, the Code was promulgated in order to consolidate and amend insolvency legislation. In furtherance of its objective, the Code treats all corporations generally without any discrimination whatsoever. On the contrary, the Admiralty Act applies only to shipping corporations. Moreover, the words “rewards for the salvage services” and “loss of life and personal injuries” do not find any place whatsoever in the Code. They are questions exclusively raised under the Admiralty Act and, at best, are items falling within the purview of residual

¹¹ *Raj Shipping Agencies v. Barge Madhwa*, 2020 SCC OnLine Bom 651 (Bom. H.C. May 19, 2020).

¹² Shyam Kapadia & Dhruva Gandhi, *No Smooth Sailing for Insolvency Law*, [SCC Times](#) (Aug. 28, 2022) (last visited May 9, 2026). (scconline.com)

debt defined in section 53 of the code as “any remaining debts and dues”. Thus, these questions would occupy the sixth position in the Code but first priority under the Admiralty Act. On the other hand, mortgage debts would occupy first priority in the code but last in the Admiralty Act.

In this connection, it can be seen that the code addresses itself to general groups of creditors that one finds in any company, the Admiralty Act considers stakeholders who are peculiar to the maritime sector and provides another mechanism for addressing their needs. This further underscores the distinctive nature of the Admiralty Act within the context of the Code. Furthermore, the presence of maritime liens may serve as additional evidence that the Admiralty Act needs to be considered separately from the Code. In this connection, Nigel Meeson astutely observes that even though the maritime lien is *sui generis*, at its core, it is a charge that attaches to the vessel right from the moment it is established and is enforceable against the vessel until it is extinguished. This is regardless of whether the vessel changes hands or not.

As per Section 31(1) of the Code, upon adoption of the resolution plan by the adjudicating authority, the plan immediately gets sanctified in law for both the corporate debtor and the creditors. However, the maritime liens do not only serve as the creditors for the corporate debtor; they have the right to claim their dues from the ship itself regardless of any change in the ownership of the ship until the debt is settled. Theoretically speaking, the charge would still remain on the ship despite any change in ownership of the corporate debtor due to the resolution plan. This scenario cannot be envisaged within the provisions of the Code. Section 8 of the Admiralty Act, however, provides for the same. In view of the above facts, one can therefore deduce that, when considering the subject matters of the two statutes, the Admiralty Act, with respect to the Code, can be termed as a special statute on the basis of the interest of all parties. Although Barge Madhwa has made an admirable effort to harmonize the two statutes, there are several reasons why it may have been wiser for the court to conclude that the Admiralty Act prevails over the Code. Although this might create serious problems for shipping companies in filing a CIRP due to the nature of their assets falling under admiralty jurisdiction, we still believe that this challenge will arise despite harmonization. This is because, in disposing of the vessel, the matter will become easier as the entity will cease to exist, hence money will be distributed among the parties involved according to the maritime principle as stated under the Admiralty Act. With such an approach, there will be no conflict with other parties because there will be no need of a CIRP in accordance with the principle of the code, which is Maximizing value.

IMPACT ON MARITIME LOGISTICS:

¹³Logistics is comprised of Logistics activities (cargo movement, warehousing, brokering) that facilitate the movement of goods and develop logistics linkages both internally and externally from the nation – states involved. Efficiency of the logistics linkages may be assessed through logistics performance, which considers factors such as time, cost, and reliability of performance. Since 2007, the Logistics Performance Index (LPI) project has concentrated on logistics linkages, which have been identified as important for linking firms to markets and reducing transaction costs.

Vessel's detention and delays: The detention of ships in the maritime industry is one of the main problems faced in the maritime industry and this is due to the conflicts between the concerned parties. According to Section 43 of IBC, the claimant may arrest the ship carrying out commercial activities if he or she thinks the ship has some debts with him. This problem occurs since the section 14 of the IBC does not permit institution to be a subject of any legal actions by the court and hence, the arrest of the ships cannot be permitted during the CIRP or even the arrests of the ships can take place during this time. Because of this, the ship stays to be detained for quite a long time at the ports of call and causes delay in shipment of the cargoes on the board. Detention of ships affect the voyage planning of the ship as shippers want to be served immediately and this is very costly.

Disturbance in the Supply Chain: The existing international trading model operates within highly organized supply chains that include shipping agencies, ports, freight agents, insurers, exporters and importers. Inability to travel by ships due to insolvency could affect the whole supply chain. Where there is a detention of ships carrying vital goods in cases of insolvency, the industries depending on the importation of raw materials may face shortages in their inventory, which will result in the postponement of their manufacturing process. Similarly, exporters will be at disadvantage since they will not meet their deadlines in their deliveries due to delays in their schedules. This has been a particular concern during times of turmoil in the global economy because of the likelihood of insolvency among ship operators. There is no coordination between admiralty laws and insolvency laws.

¹³ World Bank, *Logistics Performance Index (LPI)*, [World Bank LPI](https://lpi.worldbank.org) (last visited May 9, 2026). (lpi.worldbank.org)

Consequences for Exporters and Importers: Among the parties that will feel the effects of the insolvency the most will include exporters and importers. The reason being that the delays in the transportation of goods will translate into fines imposed on the exporter due to the terms outlined in the sales contract, while importers incur further losses for reasons of delay in the delivery of goods. The uncertainties involved with regard to the use of ships and the release of cargo will make financing difficult since financial institutions will be hesitant to grant credit facilities due to vessel arrests, among other uncertainties.

Impact on Shipping Companies and Business Continuity: The insolvent shipping companies need to maintain business continuity in order to solve their problems according to the stipulated guidelines in the IBC. Nevertheless, ship arrests and disputes among the various maritime interest groups could make the shipping company's assets unproductive, as they earn revenues for the company. The ships are not ordinary company assets rather; they are movable assets in the international trade environment. Any arrest or detention of these ships in the CIRP procedure could cause depreciation in value, earning of revenues from the assets, and ultimately fail to salvage the firm according to the IBC. However, failure of the maritime interest parties to take refuge in the maritime laws could make the interest groups at a disadvantage since some of them are related to maritime affairs.

Need for Harmonization to Safeguard Interests of Maritime Logistics: The realistic effects of lack of jurisdictional harmony in such scenarios make it clear that harmonization between Admiralty Law and the International Convention cannot be ignored and is essential as effective maritime logistics demand an environment where all these conditions must be fulfilled concurrently: continuity of insolvency proceedings, safeguarding rights of maritime creditors, non-interference with operation of the ship, and the Timeless of cargo transportation, among others, together with ensuring international business operations in the maritime field. Yet, the judicial solution adopted in resolving the conflict in the case of *Raj Shipping Agencies v Barge Madhwa*, despite its appropriateness, still remains challenging owing to the vagueness of statutory laws. Thus, a common insolvency proceeding appears to be indispensable for safeguarding interests of Indian shipping industry.

¹⁴CHALLENGES IN THE PRESENT LEGAL FRAMEWORK:

As per IBC, the moratorium provision is applied with the objective of suspending any action from being initiated against the firm for the purpose of resolving insolvency. However, as per the admiralty laws, the ship is considered an entity in itself; therefore, it gives the creditors the ability to undertake action in rem as well as ship arrests even during the moratorium period. For instance, in *M V Elisabeth & Barge Madhwa*, it can be seen that efforts have been made to make both acts harmonize in relation to the ship arrest process.

¹⁵Though there have been changes to the Admiralty Act reform in 2017, there are several practical issues that can be encountered, such as delays in selling vessels, valuation difficulties, difficulties in coordination between various claimants, and inconsistencies arising from the port laws. Some of these issues have been sorted out by proactive case management, electronic filing, the application of global best practices, and uniformity of procedure in the Supreme Court. Future amendments can assist in reconciling the maritime laws and even broadening the admiralty jurisdiction to other High Courts.

CONCLUSION:

The interaction between Admiralty Law and Insolvency and Bankruptcy Code, 2016 has emerged as one of the most difficult examples of jurisdictional disputes in modern Indian commercial laws. Although the IBC seeks to establish a universal, quick, and effective procedure for the resolution of insolvencies, the admiralty law contains separate legal rights for claims involving ships, including ship's arrest and maritime liens. This conflict occurs primarily because of the special status assigned to ships within admiralty law as well as the suspension of all actions against the debtor company during the Corporate Insolvency Resolution Process under the IBC. Some examples where efforts were made to harmonize these conflicting laws include the *M.V. Elisabeth*, *Raj Shipping Agencies V. Barge Madhwa*, and *Angre Port Pvt. Limited Cases TAG 15*. In some of these cases, courts acknowledged the unique nature of the admiralty action in-rem against ships and emphasized that it could not be terminated simply because it involved a proceeding of insolvency under the IBC. Nonetheless, the primary concern here should be the fulfillment of the purposes behind the IBC, especially the optimization of assets and creditor justice.

¹⁴ Id.at 12.

¹⁵ Id.at.5.

In this respect, the Admiralty Act, 2017 is regarded as a specialized law for maritime claims, whereas the IBC is considered as a general law for insolvency. However, issues arise on account of overlapping jurisdiction, priority of claims, delays in ship arrest cases, and interference in maritime logistics. On this account, it is essential to bring coherence between the two laws through guidelines concerning ship arrest, maritime lien, and the link between admiralty court and insolvency tribunal.

