



WORLD WIDE CLAIMS SERVICES

Established in 2004

Licensed under Dubai Economic Dept.

Claims Consultancy

and

Claims Recovery

in respect of

Sea Carriage, Airfreight , Road Transport

and

Property claims



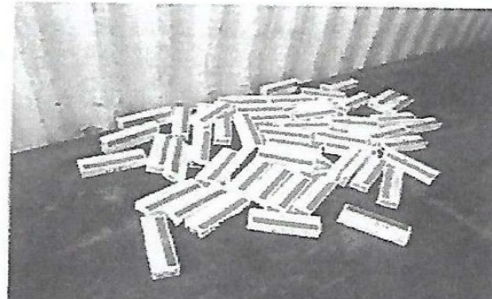
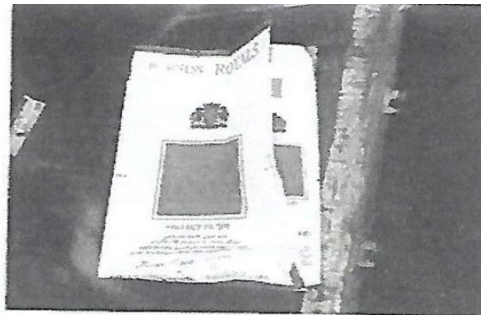
- "SOLUTION FOR ALL YOUR CLAIMS" -



WORLD WIDE CLAIMS SERVICES

THEFT FROM SEALED CONTAINER

One container with 1000 cartons of cigarettes was shipped from Jebel Ali to Port Louis, Mauritius. After discharge at Port Louis, the Cargo Handling Agency of the Port shifted the container to their container yard. At this stage, the container seal was found to be tampered with. This was notified to the concerned authorities and the container was opened in the presence of Customs, Revenue and Port Officials and surveyors representing the Carrier and the consignee. The container was found to be empty except for some loose cartons. 995 cartons cigarettes worth USD 992,000 was missing. It was a clear case of theft perpetrated by breaking the seal and stealing the cargo.



"The happiness of your life depends on the quality of your thoughts"





The local Police launched an investigation into the incident. They questioned the employees of the Cargo Handling Agency, C & F Agent and the consignee. Based on the Police investigation report, the Prosecution initiated legal proceedings against an employee of the Cargo Handling Agency (Accused No. 1) and an employee of the C& F Agent (Accused No. 2).

WWCS was appointed by the Cargo Underwriters to investigate and recover the claim. The Shipping Line initially rejected the claim alleging that the incident happened after discharge from the vessel. We engaged lawyers in Port Louis to obtain additional information from the Police and the Prosecutor. We found out that the Accused No. 1 had admitted his involvement in the theft in a statement given to the Police. He also stated that it was done in collaboration with Accused No. 2.

Our further investigations revealed that the C&F Agency of Accused No. 2 was a subsidiary of the Shipping Line. That information helped us to establish a link (albeit indirectly) between the Shipping Line and the Accused party. By implying that the Carrier had an indirect involvement with the theft of the cargo, we were able to persuade them to review our claim and eventually succeeded in obtaining a reasonable settlement from them.

DAMAGE TO CONTAINER AT TRANSHIPMENT PORT

A Merchant based in Dubai shipped one container with 800 bags (27 MT) of walnuts from Jebel Ali to Kolkata for onward transportation to Nepal by road. The shipment was arranged through a Freight Forwarder. Freight was also prepaid.

The shipper did not receive any update about the movement of the container for several days. Initially there was no information forthcoming from the Forwarder, but after repeated enquiries, they were told that the container was damaged due to an accident while unloading at Kolkata port. The container was reported to have been holed, with contents partially exposed. This information was received more than two months after the shipment left Jebel Ali. The Freight Forwarder alleged that the Shipping Line did not inform them about the incident in the port and the whereabouts of the container. They also alleged that they were not invited for a joint survey.

“Happiness is accepting and understanding the ups and downs in Life”





Lengthy correspondences ensued between shipper/FF/Shipping Line, each blaming the other and without reaching a consensus on further steps to be taken. Consequently, there was delay in initiating the Customs formalities required for carrying out a detailed survey to ascertain the extent of damages to the cargo and to decide further course of action. This led to accruing demurrage, port charges etc. There was heavy rain in Kolkata during this period which made matters worse. Fearing damages to the cargo, the Nepal Consulate refused to issue “no objection” to forward the cargo to Nepal. In view of the delays and suspecting that the cargo would have been damaged lying in Kolkata port, the consignee in Nepal did not make payment and rejected the cargo.

Meantime, the shipper notified the cargo Underwriters who appointed a surveyor. The survey report confirmed the accident that led to the container damage. Though the cargo could not be inspected without Customs permission, the surveyor opined that it could be badly damaged due to ingress of rain water. Moreover, the claim would not be covered under ICC (c) policy taken by the shipper.

The stalemate at Kolkata port continued with no concrete action being taken to decide the fate of the cargo. After a lot of delays, the shipper finally decided to file a suit against the shipping Line for loss of cargo.

The shipper should have been more alert in following up on the movement of the container and its whereabouts. They did not take prompt steps/decisions to deal with the situation in Kolkata to mitigate the damages to the cargo. They did not consult anyone capable of advising them properly. By the time they contacted WWCS, it was too late to salvage the situation and we could only advise them to proceed legally to recover the claim from the shipping Line.



“There is nothing in this world that can trouble you more than your own thoughts”



- “SOLUTION FOR ALL YOUR CLAIMS” -

Tel - 00971 4 3510705; Email - wwcsuae@eim.ae ; P.O. Box. - 114900, Dubai
WWW.CLAIMSSERVICESUAE.COM