

## Nobu Su threatened with contempt application

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- by [Nigel Lowry](#)

NewLead goes after controversial Taiwanese tycoon personally in fallout from charter dispute

### The English High Court is scheduled to hear an application to sequester personal assets of Nobu Su and TMT group.

IN AN escalation of a long-running charter hire spat, the English High Court is scheduled to hear an application tomorrow to sequester personal assets of Taiwanese shipping tycoon Nobu Su, as well as property of his TMT group.

The move is the latest attempt by Greece-based bulker owner NewLead to push Mr Su's TMT group into putting up security for claims stemming from a repudiated capesize charter. Unless security is forthcoming, the owners will also seek to have Mr Su jailed for contempt of court.

NewLead-linked Brazil Holdings, the former owning company of the 151,738 dwt *Brazil*, which was on long-term charter to TMT Bulk, is the party making the application, which follows TMT's apparent failure to comply with a worldwide freezing order earlier this year.

This required disclosure of the Taiwanese operator's assets and Brazil Holdings argues that Mr Su, as a director, failed to ensure compliance.

Nasdaq-listed NewLead is chasing a total of about \$16.4m in unpaid charter hire and claimed damages.

Mr Su could not be reached for comment on Thursday, but a close aide of the owner, Alfie Chen, said the 1995-built *Brazil* was "not in good condition".

Apparently on Mr Su's instructions, as a further statement, Mr Chen sent Lloyd's List about 50 photos of the vessel taken during an October 2011 inspection which, he said, made it "amply clear that the owners of *Brazil* misrepresent the fact about the vessel".

This afternoon, NewLead management said the matter was being decided in arbitration. This being so, said a spokesman, "parties' own views and allegations are of no relevance".

However, the move to go after Mr Su personally suggests the Greek owner is close to exhausting milder options in its struggle to gain security for the claim.

In May this year, it had one of TMT's giant combination carriers arrested in South Africa but Mr Su does not seem to have blinked.

The two-year-old 317,000 dwt *E Whale*, a sistership to *A Whale*, the ore carrier TMT notoriously converted to a giant oil skimmer in the wake of the Deepwater Horizon spill, is understood to be still under arrest.

"It's not as easy as people think to arrest vessels, especially if the owning structures are obscure," said one lawyer, commenting on the stand-off.

*Brazil*, which has since been transferred to the fleet of Lemissoler Maritime, was earning \$28,985 daily for NewLead under the TMT charter, which was meant to run until December 2013 at the earliest.

However, the charter was repudiated in February this year after TMT failed to take the vessel back after a scheduled drydocking.

By then, NewLead and TMT already had a well-documented history of dispute which began back in 2010, when five of the Greek owner's ships were on charter to the Taiwanese operator and the first payment problems were reported.

To date, NewLead has collected five London arbitration awards totalling more than \$8.6m against TMT Bulk.

It is understood the awards have been paid out of security funds previously forced out of TMT by NewLead legal actions. However, the arbitration of the *Brazil* case is still pending outcome.

It was not clear by this evening how Mr Su plans to counter the Brazil Holdings application.

Few in shipping have a greater reputation for big risks and brinkmanship than the Taiwanese owner.

Troubles have been mounting, though. Just within this month, a fraud suit has been launched against him by New York-listed Vantage Drilling and Hyundai group shipyards have been scathing about TMT's failure to take delivery of a major series of bulk carrier newbuildings, apparently due to a cash drain.

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