

Letter No. 0210-2024-APMTC/CL

Callao, April 26th, 2024

**MAERSK LINE A/S - SEALAND**

502 & 503, 5th Floor, Godrej 2,  
Pirojshah Nagar, Eastern Express Highway,  
Vikhroli (E), Mumbai - 400079.

**Attention** : **Sandesh Ban**  
Adjuster – Vessel Claims  
**Subject** : Resolution No. 01  
**Case file** : **APMTC/CL/0066-2024**  
**Claim matter:** Vessel Damage Claim  
**Reference** : MERIDIAN // SDR 024/2021

**APM TERMINALS CALLAO S.A.**, (“APMTC”) with Taxpayer Registration No. 20543083888, with registered office at Av. Contralmirante Raygada No. 111, Callao, by virtue of the fact that **MAERSK LINE A/S – SEALAND** (“MAERSK” or the “Claimant”) has not complied with submitting the claim within the deadline established in article 2.3 of the Regulations for the Attention and Resolution of User Claims of APMTC.

**I. BACKGROUND**

1.1. On 05.04.2024, MAERSK filed a claim via email to the APM TERMINALS CALLAO S.A. Claims Department (“APMTC”), for the alleged damage to the MV DALI vessel Cell Guide during loading operations on June 20th, 2023.

**II. ANALYSIS**

From the review of the facts of the claim, the object of the claim refers to the alleged responsibility of APMTC regarding the alleged damage to the MV DALI vessel Cell Guide during loading operations on June 20th, 2023

In this sense, in order to proceed with the review of the substantive arguments of the complaint, it is necessary to evaluate the origin of the same and verify whether it is not immersed in any of the causes established in the APMTC Complaints Attention and Resolution Regulations.

In this regard, it is verified that paragraph e) of numeral 2.10 of the Regulations for the Attention and Resolution of User Claims of APMTC prescribes the following:

"2.10 Inadmissible of the Claim

APM TERMINALS CALLAO S.A. must evaluate and declare the inadmissibility of the claim, if it is involved in any of the following cases:

- a. When the claimant lacks a legitimate interest.
- b. When there is no connection between the facts set forth as the basis of the claim and the petition contained therein.
- c. When the claim is legally or physically impossible.
- d. When the respondent body lacks competence to resolve the complaint filed.
- e. When the claim has been submitted after the deadline established in article 2.3 of these Regulations. (...)"

Additionally, the article 2.3 of the Regulations for the Attention and Resolution of User Claims of APMTTC, prescribe the next:

"2.3 Deadline for Filing a Claim

USERS have a period of sixty (60) days to file their claims with APM TERMINALS CALLAO S.A., which will be counted from the day on which the events that give rise to the claim occur or that they become known."

In this sense, it is established that users must submit their claims within the corresponding period, so that APMTTC can proceed to carry out the substantive analysis of them, otherwise their requests will incur in grounds of inadmissibility.

In order to proceed with the analysis of the merits, it is necessary to verify whether the Claimant is within the period established to file her claim, so we detail the maximum period for filing a claim.

The damage event according to the attached document by Maersk: "Third damage Report", the damage to the MV DALI vessel occurred during loading operations on June 20th, 2023.

It is clear that MAERSK had until September 8th, 2023 to file its claim. However, it was only on June 20th, 2023 that MAERSK filed the same, i.e. outside the deadline for filing claims in accordance with the Regulations for the Attention and Resolution of User Claims of APMTTC.

it is concluded that the present claim was filed after the established period, and since the controversy has been extinguished, it must be declared INADMISSIBLE, in accordance with the provisions of subsection e), article 2.10 of the Regulations for the Attention and Resolution of User Claims of APMTTC.

### **III. RESOLUTION**

Due to the foregoing, the claim request submitted by MAERSK for the file APMTC/CL/0066-2024 is declared **INADMISSIBLE**.



**Sofía Balbi**  
Commercial and Customer Experience Manager  
APM Terminals Callao S.A.

**APM TERMINALS**  Lifting Global Trade.

Carta No. 0438-2022-APMTC/CL

Callao, July 25<sup>th</sup>, 2022

**MAERSK LINE A/S - SEALAND**

502 & 503, 5th Floor, Godrej 2,  
Pirojshah Nagar, Eastern Express Highway,  
Vikhroli (E), Mumbai - 400079.

**Attention** : **Abilash Sumithran**  
Adjuster – Vessel Claims  
**Reference** : MERIDIAN // SDR 024/2021  
**Exp. APMTC/CL/0225-2022**

From our consideration,

It is the purpose of this letter to greet you and, respond the claim filed via email on July 25<sup>th</sup> to the APM TERMINALS CALLAO S.A. Claims Department ("APMTC"), for the Claim submitted regarding the alleged damage to the MERIDIAN vessel Cell Guide during loading operations on November 11<sup>th</sup>, 2021.

In order to attend your request as a formal claim, in accordance with the article 2.4 of APM Terminals Callao Claims Management Procedure and the paragraph 2 of the article 37 of OSITRAN's Claims Attention and Dispute Resolution Regulation, please comply by submitting the information that is indicated below and which constitute essential requirements, as established in the aforementioned articles:

- i) Details of the Legal Representative, the Attorney and the sponsoring attorney, if any.
- ii) Simple copy of the document that proves the legal representation (e.g., validity of powers of the legal representative, the attorney or the lawyer if any).
- iii) Simple copy of the identity document (ID, Passport or Alien Card).
- iv) Signature or fingerprint of the User who presents the claim or of his Legal Representative.
- v) The factual and legal grounds that support the claim.

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Classification: Public

**APM TERMINALS**  Lifting Global Trade.

If the above information is not submitted within the period of two (02) business days from the receipt of this letter, the claim shall be deemed inadmissible.

Sincerely,



**Deepak Nandwani**  
Customer Experience Manager  
APM Terminals Callao S.A.

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