

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No.14 of 2017 (SZ)

Meenava Thanthai K.R.Selvaraj  
Kumar

Applicant(S)

WITH

The Chairman,  
National Coastal Zone Management  
Authority & others  
For Application(S)  
For Respondent (S)

Respondents

Mr.Mageshwaran  
M/s.G.M Syed Nurullah Sheriff  
For R1,R14  
M/s.Mani Gopi for Rs,R5.R7.&R8  
M/s S.Vasudevan for R 10  
M/s.S.Regunathan for R11  
M/s.D.S.Ekambaram for R 12  
Mr.Abdul saleem  
Mr.S.Sravanan for R6

Application No.16 of 2017 (SZ)

Saravanan Dakshinamurthy

Applicant (S)

With

Union of Indian and others  
For Application (S)  
For Respondent (S)

Respondents

M/s.Yogeswaran  
Mr.G.M.Syed Nurullah Sheriff for  
R1  
M/s.Mani Gopi for Rs,R5.R7.&R8  
M/s S.Vasudevan for R 10  
M/s.S.Regunathan for R11  
M/s.D.S.Ekambaram for R 12  
Mr.Abdul saleem  
Mr.S.Saravanan for R 6

Applicant No.38 of 2017 (SZ)

Ashwini Kumar  
Union of Indian and others  
For Application (S)  
For Respondent(S)

Applicant (S)

Respondents

Nil  
M/s.Me.saraswathy for R1  
M/s.M.Mani Gopi for R3  
Mr.Abdul Saleem

  
Deputy Director (Marine)  
Fisheries and Fishermen Welfare  
Chennai-600 035.

  
Commissioner of Fisheries &  
Fisherman Welfare Department,  
Chennai-600 035.

Mr.Saravanan for R4  
Mr.S.Regunathan

Applicant No.40 of 2017(S)

P.Somasuntharam  
Union of Indian others  
For Application(S)  
For Respondent(S)

Applicant(S)  
Respondents

Nil  
M/s.Me.Saraswathy for R 1  
Mr.S.Ranganathan  
M/s.D.S.Ekambaram for R4

**Additional Typed set of Documents field by Department of Fisheries**

I, Dr.K.S.Palanisamy, S/o C.Subramani, Aged 52, being the Commissioner of Fisheries and Fishermen Welfare, Integrated Office building, Nanthanam, Chennai – 600 035 do here by filing the additional typed set of documents and disbursement details as per the direction of the Hon'ble High Court of Madras dated 22.04.2022.

It is submitted that, a Writ Petition, W.P.No.31045 of 2019 has been filed before the Hon'ble High Court of Madras by the petitioners, BW VLGC Ltd and the United Kingdom of Mutual Steam Ship Assurance Association with the prayer as below:

"issue a Writ of Mandamus or any other Writ, Order or direction of a like nature directing the Respondent herein there men, agent and servants to render accounts for the sum of Rs.141 Crores deposited by or on behalf of the Petitioners and credited to the account of the 2<sup>nd</sup> Respondent Bank Account on or about the 28<sup>th</sup> March,2018 including details of the disbursement made and to consequently direct the 2<sup>nd</sup> Respondent to return to the Petitioners or to their Nominees/Representatives the Original Bank Guarantee dated 16<sup>th</sup> May, 2018 for sum of Rs.84 Crores issued at the Trade Finance Branch, Chennai of Kotak Mahindran Bank Limited bearing No.84730 BG 180095588 in favour of the 2<sup>nd</sup> Respondent herein for being discharged

  
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and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

It was informed that the counter affidavit of W.P.No 31045 of 2019 case was filled on 11.12.2019 to the Hon'ble High Court of Madras. In this regard, the following remarks is submitted to the Hon'ble High Court of Madras.

1. It is submitted that Two Merchant ships viz. M.T. BW Maple and M.T. Dawn Kancheepuram accidentally collided off the Kamarajar Port, Ennore, Tamil Nadu on 28.1.2017. Due to this accident, there was an oil spill of bunker oil which spread across the sea and the seashores of Thiruvallur, Chennai and Kancheepuram districts of Tamil Nadu. The Fishermen of these three districts were unable to venture into sea for fishing for more than one month. This had adversely affected the livelihoods of Fishermen of these three districts for a period of more than one month.

2. It is also submitted that, a proposal was sent to Government for Rs.230.078 Crore for providing compensation to 1,12,051 affected fishermen. In the meantime, petitions were filed before the Hon'ble National Green Tribunal, Southern Zone at Chennai vide application O.A. No. 14 of 2017. The Hon'ble National Green Tribunal directed the Department to permit the affected persons to make their claim up to 10.8.2017 and make required study, conduct enquiries to arrive at an appropriate quantum of compensation to be recovered from the ship owners.

3. It is respectfully submitted that, as per the directions of the Hon'ble National Green Tribunal, a team with the officials of the Fisheries Department was constituted to receive the applications from the affected fishermen who have not filed their claim earlier. Based on a revised beneficiary list, compensation proposal for Rs.240.07 crore has been arrived and submitted to the Hon'ble National Green Tribunal, Southern Zone.

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4. It is submitted that, the Shipping Companies have released an amount of Rs.141 crore+ Rs.15 crore and an irrevocable Bank Guarantee worth Rs.84 crore as per the directions of this Honourable High Court.

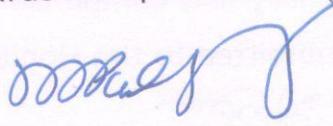
5. It is also submitted that, considering the release of compensation amount limited to Rs.141 crores by the insurers of shipping companies as against the total compensation of Rs. 240 crores. Relief Recommendation Committee had workedout compensation limited to Rs 141 crores.

6. Based on the amount released by the shipping companies, the Relief Recommendation Committee has recommended limited compensation to the various categories of affected sections such as Owners of Mechanized Fishing Boat, Motorised Fishing Crafts and Non motorized Fishing crafts to the maximum of 50% of the assessed value of livelihood loss and for the categories Fishing labourer, Fisherwomen in Fisheries allied activities, Allied activity labourer, Fish vendors, limited to the maximum of 80% of the assessed value livelihood loss as proposed in the original compensation proposal.

7. It is submitted that since the Insurance Company has released only Rs. 141 crores against the total claim of RS.240 crores, based on the recommendation of Relief Recommendation Committee, relief assistance of Rs.121,16.40 lakh has been disbursed to 1,04,728 beneficiaries as first phase, and the remaining compensation amount of Rs.8343.95 lakh have to be paid to affected fishers and for restoration work from the available bank guarantee amount of Rs. 84 crore.

8. The Bank Guarantee executed in favour of Department of Fisheries, Government of Tamil Nadu cannot be returned because the original compensation preferred by Government of Tamil Nadu before the National Green Tribunal is for Rs.240 crores against which only Rs.141 crores has been released by the Shipping Companies towards compensation and the

  
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remaining amount available in bank guarantee to be released to various categories affected fishermen.

It is submitted that, in continuation, the above Writ Petition was heard on 22.04.2022 and the Hon'ble High Court was directed the Department of Fisheries and Fishermen Welfare to file the disbursement details and the additional typed set of document to the National Green Tribunal (Southern Zone). As per the direction of the Hon'ble High Court of Madras in above case, the details of document pertaining to the quantification of relief amount and beneficiaries details are submitted to the National Green Tribunal (Southern Zone) for kind perusal and consideration.

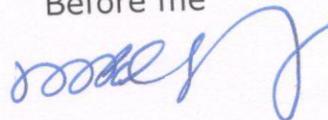
Therefore, it is submitted that the Hon'ble National Green Tribunal (Southern Zone) may be pleased to accept the document and pass order as deemed fit by the Tribunal.

Solemnly affirmed and signed his  
name in my presence at Chennai,  
this      day of April 2022



Deputy Director (Marine)  
Fisheries and Fishermen Welfare  
Chennai-600 035.

Before me



Commissioner of Fisheries &  
Fisherman Welfare Department,  
Chennai - 600 035