

Next Hearing Date: 09-01-2026

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL

BENCH, NEW DELHI

Original Application No. 270/2025

IN THE MATTER OF:

News Item titled "Containers from sunken ship likely to drift towards Alappuzha Kallam Coasts in.48 hours: INCOIS" appearing in The Hindu dated 25.05.2025.

.... Petitioner

VS

VIZHINJAM INTERNATIONAL SEAPORT LTD.

... Respondents

SL NO.	PARTICULARS	PAGE NOS.
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NISHE RAJEN SHONKER
ADVOCATE FOR THE RESPONDENT
STATE OF KERALA
 CHAMBER NO. 317, C.K.DAPHTARY BLOCK,
 SUPREME COUR OF INDIA NEW DELHI-110001,
 MOB: 9811342057,

FILED ON: 25.07.2025

Before The Hon'ble Principal Bench National Green Tribunal, New Delhi

Original Application No. 270/2025

Sub: News Item titled "Containers from sunken ship likely to drift towards Alappuzha Kollam Coasts in 48 hours: INCOIS" appearing in The Hindu dated 25.05.2025.

Ref: Orders issued by Hon'ble NGT in the case 270/2025 Dated 27/05/2025 and 30/07/2025 and the respective Notices served from the court on 31/05/2025 and on 07/08/2025

AFFIDAVIT FILED BY THE 8th RESPONDENT IN COMPLIANCE OF THE DIRECTION OF THIS HON'BLE BENCH IN ITS ORDER DATED 30.07.2025

I, Divya S Iyer, aged 41 years, W/o K. S Sabarinathan, Managing Director, Vizhinjam International Seaport Limited, 9th Floor, KSRTC Bus Terminal Complex, Thampanoor, Thiruvananthapuram - 695036, Kerala, currently residing at Abhayam, Sreerangam Lane, Sasthamangalam, Thiruvananthapuram - 695 010 do hereby solemnly affirm and state as follows:

1. I am the Managing Director of the 8th Respondent in the above Original Application and I am fully conversant with the facts of the case as revealed from records maintained at my office and I am competent to swear to this affidavit on behalf of the 8th Respondent.

2. Whereas the Principal Bench of the Hon'ble NGT has taken a suo moto case numbered 270/2025 and impleaded the following parties into the case on 27/05/2025 and whereas the following were impleaded

1. Member Secretary, KSPCB, Pattom, Thiruvananthapuram.
2. Member Secretary, Lakshadweep Pollution Control Committee
3. Member Secretary, CPCB
4. Secretary, MoEF, Jorbagh, New Delhi
5. Secretary Ministry of Ports, Shipping and Water Ways, New Delhi
6. Director General, Indian Coast Guard, New Delhi
7. Director, INCOIS, Hyderabad

3. And whereas vide orders dated 30/07/2025 and the Notice issued on 07/08/2025, the following parties have also been impleaded into the case at the submission of parties 2, 5 and 6.

8. Vizhinjam International Seaport Ltd., represented by its Managing Director,
9. Mediterranean Shipping Company, through its Authorized Nodal Officer Andheri East, Mumbai, Maharashtra, India.
10. Secretary, Department of Environmental Forest, State of Kerala.

4. And whereas as per the Original Application served on Vizhinjam International Seaport Ltd the Hon'ble Bench has directed to file an affidavit before the Hon'ble Bench for file the response/ reply.

In this regard:

- i. It is submitted that Vizhinjam International Seaport Limited (VISL) is a Government Special Purpose Company incorporated by the Government and its shares are fully owned by the Government of Kerala (GoK). VISL is



T. N. Omana
T. N. OMANA
Advocate & Notary
Thiruvananthapuram Revenue District
Kerala State South India

For VIZHINJAM INTERNATIONAL SEAPORT LTD.

Divya S Iyer
Managing Director

entrusted by GoK as its nodal agency for implementing the Vizhinjam International Seaport Project. VISL is also the Project proponent who obtained and holds the Environmental Clearance for the Port Project issued by the MoEF & CC.

- ii. It is also submitted that the Government of Kerala in the process of building a state of the art port had pursuant to a global tender process identified a bidder and thereafter executed a Concession Agreement between the Government of Kerala (Authority) and M/s. Adani Vizhinjam Port Private Limited (AVPPL) for the development of the Vizhinjam International Deepwater Multipurpose Port (Vizhinjam Port) on a Design, Build, Finance, Operate and Transfer (DBFOT) basis. The Concession Agreement is based on the PPP Guidelines issued by the Planning Commission, Government of India and initially is for a period of 40 years.
- iii. VISL has been delegated through Government Orders, the administration of the Concession Agreement within the framework of the Concession Agreement and is bound to act on behalf of GoK. In line with the provisions of the Concession Agreement, the obligations of Development, Operations, Maintenance and safety of the Port vests with the Concessionaire, Adani Vizhinjam Port Private Limited.
- iv. It is submitted that since VISL is having a limited role as explained above, the cargo manifest information is not shared with VISL. The cargo manifest is being shared among the Shipowner, the Port Operator, and the Customs department. As pointed out earlier, in this case, the Port Operator's role has been vested with AVPPL, the Concessionaire as per the Concession Agreement.
- v. The Kerala state Pollution Control Board and Environment Department of GoK has arrayed as Respondents and have the jurisdiction in the State to file the response on the violations on the Biodiversity Act, 2002, Water (Prevention and Control of Pollution) Act 1974 and the EP Act, 1986, if any. The departments concerned of the State would respond to the issues raised pertaining to compliance with the environmental norms and implementations of the provisions of the scheduled enactment based on the area of disaster / accident. The role of enforcement of the provisions of the Biodiversity Act, 2002, Water (Prevention and Control of Pollution) Act 1974 and the Environment (Protection) Act, 1986 are vested with different departments of the State and have been impleaded as respondents on behalf of GoK. The Kerala State Disaster Management Authority has also been actively following up for mitigation measures. As such, VISL has no role pertaining to compliances and violations.
- vi. Further, it is humbly pointed out that the day to day operations of the Vizhinjam Port in line with the Concession Agreement, is vested with the Port Operator.

It is submitted that the role of Vizhinjam International Seaport Ltd is limited to the provisions of the Concession Agreement and VISL is not involved in the day-to-day affairs of the operation of the Port. This was brought to the kind notice of the Hon'ble High Court by VISL during the hearing in the case of WP (PIL) No 50 of 2025 - Shri T.N. Prathapan v. Union of India and Others. and after hearing had excluded VISL from the respondents and in place included the Port Operator, Ms. AVPPL. Further, it may kindly be noted that, in the Admiralty Suit filed by Government of Kerala to realize the cost of rectification of pollution, VISL was not impleaded as a party. The



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 Advocate & Notary
 Thiruvananthapuram Revenue District
 Kerala State South India

For VIZHINJAM INTERNATIONAL SEAPORT LTD.

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[Signature]
 Managing Director

departments responsible of GoK compliances, mitigation of pollution and environment have been arrayed as parties with the subject accident in the two Writs. Copy of the writ order enclosed as Annexure I

viii. In the above said circumstances, it is humbly prayed that this Hon'ble Bench consider the prayer from Respondent No. 8 that it may be excluded from the parties arrayed as Respondents.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the ^{6th} ~~28th~~ day of ^{Nov} ~~Oct~~ber, 2025

For VIZHINJAM INTERNATIONAL SEAPORT LTD.



[Signature]
Managing Director

DEPONENT

7/11/2025
6/11/2025

T. N. OMANA
Advocate & Notary
Thiruvananthapuram Revenue District
Kerala State South India

Solemnly affirmed and signed before me by the Deponent who is personally known to me on this the ^{6th} ~~28th~~ day of ^{Nov} ~~Oct~~ber, 2025 at my office at Ernakulam.

7/11/2025
13/11/2025
ADVOCATE

T. N. OMANA
Advocate & Notary
Thiruvananthapuram Revenue District
Kerala State South India

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Boiler No X11



IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI
CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION

ORIGINAL APPLICATION No. 270 of 2025

NEWS ITEM TITLED "CONTAINERS FROM SUNKEN
SHIP LIKELY TO DRIFT TOWARDS ALAPPUZHA
KOLLAM COASTS IN 48 HOURS: INCOIS"
APPEARING IN THE HINDU DATED 25.05.2025

Petitioner(s)

Appellant(s)

V/s

VIZHINJAM INTERNATIONAL SEAPORT LTD.

Respondent(s)

Opposite Party

VAKALATNAMA

I/We Vizhinjam International Seaport Ltd. (VISL) Petitioner(s) Plaintiff(s) Defendants/Opposite Party/Respondent(s) Appellant(s) in the above Petition/Suit/Reference/Appeal do hereby appoint and retain Mr. Nishe Rajen Shonker, Standing Counsel ADVOCATE ON RECORD, Supreme Court of India to act and appear for me/us in the above Petition/Suit/Reference/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree of order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Suit/Reference/Appeal and in applications for Review and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate(s) in pursuance of this authority.

Dated this the _____ day of November 2025.

Accepted, Identified Certified & Satisfied:

Sri. Nishe Rajen Shonker, Advocate-on-Record.

The Address for service of all the said Advocate(s) is:

Sri. Nishe Rajen Shonker, Standing Counsel, Chamber No.317,

C.K.Daphtary Lawyer's Chambers Block, Tilak Lane.

Opp. Supreme Court of India, New Delhi- 110001.

For VIZHINJAM INTERNATIONAL SEAPORT LTD.

Signature

Petitioner/Respondent/Opposite Party(s)

MEMO OF APPEARANCE

The Registrar,
National Green Tribunal,
New Delhi.



Sir,

Please enter my appearance for the Petitioner(s) Appellant(s)/Respondent(s) in the above mentioned petition/case/appeal/matter.

Yours faithfully,

New Delhi.

Dated: **25.11.2025**

Sri. Nishe Rajen Shonker,
Advocate