

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)

Original Application No. 97 of 2025(SZ)

**IN THE MATTER OF:**

Tribunal on its own motion  
SUO MOTU based on the News Item in  
'The Hindu' Newspaper Edition dt: 10.06.2025,  
"Container Vessel on fire off Kerala Coast".

And

Ministry of Ports, Shipping and Waterways and Ors. ...Respondent(s)

**COMPILATION OF ORDERS BEFORE KERALA HIGH COURT/7<sup>TH</sup>**  
**RESPONDENT**

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Dated at Chennai on this the 11<sup>th</sup> day of March, 2026.

*for. A. Yand*  
11/3/26

**M/s. E.K.KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V  
&  
THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR**

**Thursday, the 5<sup>th</sup> day of March 2026 / 14th Phalgun, 1947  
WP(PIL) NO. 50 OF 2025(S)**

**PETITIONER:**

**MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,  
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,  
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,  
KERALA, PIN - 680 569.**

**RESPONDENTS:**

- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING,  
NEW DELHI, PIN - 110 001.**
- 2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B  
WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.**
- 3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE,  
MUMBAI, PIN - 400 001.**
- 4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL,  
HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI,  
PIN - 110 001.**
- 5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD  
HEADQUARTERS, NEW DELHI, PIN - 110 001.**
- 6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695 001.**
- 7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER  
SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.**
- 8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER  
SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE  
KANAKAKKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.**
- 9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES,  
THIRUVANANTHAPURAM, PIN - 695 033.**
- 10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL  
POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN -  
682 031.**
- 11. VIZHINJAM INTERNATIONAL SEAPORT LTD., (\*AMENDED) REPRESENTED BY ITS  
MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD,  
THIRUVANANTHAPURAM, PIN - 695 014.**  
**\*R11 IS AMENDED AS : "ADANI VIZHINJAM PORT PVT LIMITED, HAVING ITS  
REGISTERED OFFICE AT ADANI CORPORATE HOUSE, SHANTIGRAM, NR. VAISHNO  
DEVI CIRCLE, S.G HIGHWAY, KHODIYAR, AHMEDABAD, GUJARAT - 382 421 AND  
BRANCH OFFICE PORT OPERATION BUILDING, MULLUR ROAD, MULLUR,  
THIRUVANANTHAPURAM, KERALA - 695 521, REPRESENTED BY ITS CEO, PRADEEP  
JAYARAMAN" AS PER ORDER DATED 02/07/2025 IN IA 3/2025 IN WP(PIL)  
50/2025.**

12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI – KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA. EMAIL:comm@mscindia.com, PIN - 400 059.  
ADDITIONAL R13 IMPEADED
13. SHO, FORT KOCHI COASTAL POLICE STATION, FORTKOCHI P.O, KOCHI - 682 001. \*ADDL.R13 IS IMPEADED AS PER ORDER DATED 02/07/2025 IN IA 1/2025 IN WP(PIL) 50/2025  
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14. WAN HAI LINES LTD, 10TH FLOOR, 136, SUNG CHIANG ROAD, TAIPEI, TAIWAN REPRESENTED BY ITS PRESIDENT.
15. WAN HAI LINES (SINGAPORE) PTE LTD, 9 ANSON ROAD, #10-01 SINGAPORE 079906, REPRESENTED BY ITS AUTHORIZED OFFICER.
16. WAN HAI LINES (INDIA) PVT. LTD., A-102 AND 103, THE QUBE, NEAR TO INTERNATIONAL AIRPORT, MAROL VILLAGE, ANDHERI EAST, MUMBAI - 400059, REPRESENTED BY ITS AUTHORIZED OFFICER
17. MERCANTILE MARINE DEPARTMENT, WILLINGDON ISLAND, KOCHI, KERALA 682009, REPRESENTED BY ITS PRINCIPAL OFFICER.  
ADDL.R14 TO R17 ARE IMPEADED AS PER ORDER DATED 02/07/2025 IN IA 4/2025 IN WP(PIL) 50/2025.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 15/07/2025 and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R1 to R4, SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SRI.N.MANOJ KUMAR, STATE ATTORNEY & SMT.PARVATHY K, GOVERNMENT PLEADER for R5, R6, R9 & R10, SRI.T.NAVEEN, STANDING COUNSEL for R7, M/S. ROSHEN.D.ALEXANDER, TINA ALEX THOMAS, HARIMOHAN & KOCHURANI JAMES, Advocates for R11, M/S. SANTHOSH MATHEW & PRASANTH S.PRATHAP, SENIOR ADVOCATES along with M/S. PRANOY K. KOTTARAM, SIVARAMAN P.L, ATHUL BABU & SREENAND UDAYAN, Advocates for R12, SRI. K.JAJU BABU (SENIOR ADVOCATE) along with M/S. JIKKU SEBAN GEORGE, DEEPTI SUSAN GEORGE, SHRUTHI BALAKRISHNAN, RISHABH SAXENA, DEEPANSHI KAPOOR, OMKAR PRADHAN & AMITAVA MAJUMDAR, Advocates for Addl.R14 to R16 and of ADV.SRI.ARJUN SREEDHAR, AMICUS CURIAE, the court passed the following:

**RAJA VIJAYARAGHAVAN V.,  
&  
K.V. JAYAKUMAR, JJ.**

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**WP(PIL) Nos. 50, 60, 70 of 2025**  
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**Dated this the 5th day of March, 2026**

**ORDER**

**Raja Vijayaraghavan V., J.**

These writ petitions have been filed in public interest pursuant to two maritime incidents involving the vessels MSC Elsa-3 and MV Wan Hai 503. The principal contention raised by the petitioners is that there has been inaction on the part of both the Union of India and the State authorities in initiating appropriate measures following the said incidents. The reliefs sought include, inter alia, directions for conducting a comprehensive and time-bound investigation, fixing liability for violations of environmental safety norms and maritime regulations, and establishing a dedicated Coastal Victims Compensation, Rehabilitation and Environmental Restoration Fund. The petitioners have also sought directions to initiate appropriate legal proceedings for prosecution and for the award of compensation in respect of alleged violations of the Merchant Shipping Act and other applicable laws, including relevant international conventions. A further prayer is for the formulation of a National Coastal Hybrid Threat Prevention Framework to address strategic maritime security breaches arising from incidents such as the capsizing of the aforesaid vessels. The failure of both the State and the Union to establish a comprehensive institutional mechanism in this regard has also been highlighted in certain

writ petitions.

2. In W.P. (PIL) No. 70 of 2025, one of the contentions raised is that the directions issued by this Court in W.P.(C) No. 32187 of 2011, mandating the installation of container scanners at the entry and exit gates of the International Container Transshipment Terminal and at the valve gates of Cochin Port, have not yet been implemented.

3. We note that in some of these writ petitions counter affidavits have already been filed. In W.P. (PIL) Nos. 50 and 70 of 2025, counter affidavits have been filed by the Directorate General of Shipping. The owners of the vessels have filed a counter affidavit only in W.P. (PIL) No. 50 of 2025. The State Government has also filed its counter affidavit in W.P. (PIL) No. 50 of 2025.

4. The learned Government Pleader submitted that an admiralty suit has been instituted claiming a sum of ₹9,500 crores, out of which a security amount of ₹1,227 crores has already been deposited by the owner of the MSC Elsa-3 vessel.

5. Having considered the submissions advanced by the learned counsel appearing on both sides and the pleadings placed on record, we find that several departments under the Union Government have been arrayed as parties to these writ petitions. The petitioners have also raised a contention that each of these departments has distinct statutory responsibilities to initiate proceedings under the respective enactments and regulatory frameworks governing maritime safety, environmental protection and coastal security.

6. In such circumstances, we are of the view that it would be appropriate for the Union of India, which is the first respondent in all these

writ petitions, to obtain inputs from the concerned departments and place before this Court a consolidated counter affidavit addressing the issues raised by the petitioners. A similar exercise may also be undertaken by the State Government, particularly with regard to the measures proposed to alleviate the grievances raised by the petitioners and to address the environmental concerns highlighted in these proceedings. A consolidated response would assist the Court in effectively adjudicating the issues involved. It is submitted on behalf of the respondents that such a counter affidavit can be filed within a period of three weeks.

We make it clear that the individual departments concerned shall also place their counter on record within the above period.

Post on 31.03.2026.



Sd/-  
**RAJA VIJAYARAGHAVAN V.,**  
**JUDGE**

Sd/-  
**K.V. JAYAKUMAR,**  
**JUDGE**

msh

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR**  
**&**  
**THE HONOURABLE MR.JUSTICE BASANT BALAJI**

Tuesday, the 15<sup>th</sup> day of July 2025 / 24th Ashadha, 1947  
WP(PIL) NO. 50 OF 2025(S)

**PETITIONER:**

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,  
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,  
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,  
KERALA, PIN - 680 569.

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2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
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7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
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11. VIZHINJAM INTERNATIONAL SEAPORT LTD., (\*AMENDED) REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.  
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W.P.(PIL)Nos. 50, 60 & 70 of 2025

1

**Nitin Jamdar, C.J. & Basant Balaji, J.**

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**W.P.(PIL)Nos. 50, 60 & 70 of 2025 - S**

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**Dated this the 15<sup>th</sup> day of July 2025**

**ORDER**

The learned Advocate General places on record copy of the monetary claim filed in Admiralty Suit No.12 of 2025 and the interim orders passed by the learned Single Judge on 7 July 2025 and 10 July 2025 in the said Admiralty Suit. Therefore, at present the issue regarding monetary claim as against the Respondent Company is being considered by the learned Single Judge in the Admiralty Suit.

2. The learned counsel for the Petitioners state that apart from the monetary claim against the Respondent Company, there are other issues regarding the duties and functions of the State Authorities, the Pollution Control Board and Director General of Shipping, which still need to be looked at and, therefore, the petitions be heard.

3. Rule and the petitions are admitted.

4. Add the petition to the monthly board commencing from 8 September 2025.

5. We grant liberty to the Petitioners, in case any specific urgent intervention is required on the part of the State Authorities, the Director General of Shipping or the Pollution Control Board, to take out an application for that relief.

W.P.(PIL)Nos. 50, 60 & 70 of 2025

2

6. In the meanwhile, all pleadings in the petition be completed. The learned counsel for the parties in all these petitions will exchange the pleadings as there is a commonality of cause as far as the reliefs against the public authority are concerned.

Sd/-

**Nitin Jamdar**  
**Chief Justice**

Sd/-

**Basant Balaji**  
**Judge**

vpv



IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR  
&  
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Wednesday, the 2<sup>nd</sup> day of July 2025 / 11th Ashadha, 1947  
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NITIN JAMDAR, C.J. & BASANT BALAJI, J.

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WP (PIL) Nos.50, 60 & 70 of 2025

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Dated this the 2<sup>nd</sup> day of July, 2025

ORDER

Nitin Jamdar, C.J.

Heard Mr. V. Harish, learned counsel for the Petitioner, Mr. T. V. Vinu, learned Central Government Counsel for the Respondent – Union of India, Mr. K. Gopalakrishna Kurup, learned Advocate General for the Respondent – State, Mr. Santhosh Mathew, learned Senior Advocate as instructed by Mr. Pranoy K. Kottaram, learned counsel for the 12<sup>th</sup> Respondent – Mediterranean Shipping Company, Mr. T. Naveen, learned Standing Counsel for the 7<sup>th</sup> Respondent – Kerala State Pollution Control Board, Mr. Jaju Babu, learned Senior Advocate as instructed by Mr. Jikku Seban George, learned counsel for additionally impleaded Respondent Nos.14 to 16 in WP(PIL) No. 50 of 2025, Mr. Anil Thomas, learned counsel for the Petitioner and Mr. Roshen D. Alexander, learned counsel for Respondent No.17 – Adani Vizhinjam Port Private Limited in WP(PIL) No.60 of 2025, and Mr. K. Jayesh Mohankumar, learned counsel for the Petitioner and Mr. V. Girishkumar, learned Standing Counsel for 8<sup>th</sup> Respondent – the Commissioner of Customs in WP(PIL) No.70 of 2025 and Mr. Arjun Sreedhar, learned Amicus Curiae.

2. In WP(PIL) No.50 of 2025, counter affidavits have been filed by the 7<sup>th</sup> Respondent – Pollution Control Board, 12<sup>th</sup> Respondent Company and

Respondent Nos.1 and 3. Copies of the same have been served on the learned counsel for the Petitioners in these petitions today, who seek time. As regards the substituted Respondent No.11 in this petition, the learned counsel states that it does not propose to file any counter affidavit in this petition. The learned Senior Advocate appearing for the additionally impleaded Respondents in this petition states that he intends to file a counter affidavit. A copy of the same be served on the learned counsel for the Petitioners in WP(PIL) Nos.60 and 70 of 2025.

3. The learned counsel for the Petitioner in WP(PIL) No.60 of 2025 states that no counter affidavits have been filed by the Respondents in this petition; however, various issues raised in this petition and WP(PIL) No.50 of 2025 are overlapping. Therefore, the Respondents will serve copies of their counter affidavits filed in WP(PIL) No.50 of 2025 to the learned counsel for the Petitioner in this petition.

4. WP(PIL) No.70 of 2025, which came up on board on 1 July 2025 is listed today along with the other two petitions. A copy of this petition be served on the learned counsel for the Respondents in the other two petitions, who will take notice for the respective parties in this petition whom they are already representing in WP(PIL) Nos. 50 and 60 of 2025. Considering the fact that several issues are overlapping, copies of the counter affidavits filed in WP(PIL) No.50 of 2025 be served on the learned counsel for the Petitioner in this petition.

5. To a query as to the statement made by the State Government on the last occasion regarding filing of an Admiralty Suit, the learned Advocate

General states that the same is in process and the suit is likely to be filed within one or two weeks from today.

6. The learned counsel for the Petitioner in WP(PIL) No.70 of 2025 places reliance on paragraphs 12 and 13 of this petition and contends that the 3<sup>rd</sup> Respondent, i.e., Mediterranean Shipping Company has terminated its contract with the earlier salvage agency and has given it to the new agency and according to him, this change will affect the salvage operations. Paragraphs 12 and 13 read thus :-

*“12. As per the latest site report of the 6<sup>th</sup> Respondent released by the Kerala State Disaster Management Authority, it has been confirmed that the 3<sup>rd</sup> Respondent has unilaterally terminated its contract with T&T Salvage, a globally reputed marine salvage agency, which was originally engaged to undertake oil extraction from the sunken vessel’s bunker tanks and execute the wreck removal operation. A new salvage contractor, SMIT Salvage, has reportedly been appointed in its place. The reason cited by the 3<sup>rd</sup> respondent is that T&T Salvage allegedly lacked the technical expertise to conduct recovery operations at a depth of 54 meters. However, this justification raises serious doubts regarding the bona fides and intention of the 3<sup>rd</sup> Respondent. Available public records confirm that T&T Salvage had deployed expert divers from Singapore and South Africa, had successfully capped and plugged the bunker fuel tanks, and was operating with the diving support vessel SEAMAC III, which returned to Kochi on June 12 for installation of a saturation diving system. The same has been corroborated in a news article published by Mr. Manoj Vishwanathan of the New Indian Express dated 24/06/2025. A true copy of the 6<sup>th</sup> Respondent’s Site report No. 29 dated 23/06/2025 issued by the Directorate General of Shipping is produced herewith and marked as Exhibit P4. A true copy of the*

*newspaper article titled “Oil extraction from sunken MSC Elsa 3 hits dead end as shipping firm drops salvage contractor” authored by Mr. Manoj Vishwanathan of the New Indian Express dated 24/06/2025 is produced herewith and marked as Exhibit P5.*

*13. Further, T&T Salvage had informed the 6<sup>th</sup> respondent that adverse monsoon conditions posed genuine safety challenges to hot-tapping operations and that required equipment had arrived and was under customs clearance. These explanations were presented after the 6<sup>th</sup> respondent had issued a 48-hour deadline on 10/06/2025 for the commencement of oil extraction operations. The sudden and unexplained termination of T&T Salvage, despite its operational progress and preparedness, and the introduction of a new agency mid-operation, especially under the guise of technical incapacity raises a credible apprehension of delay, concealment and possible intentional derailment of the extraction and wreck removal process by the 3<sup>rd</sup> respondent.”*

7. The learned counsel appearing for the 3<sup>rd</sup> Respondent Company asserts that this change has taken place for various reasons and that the salvage operations have not been affected. Since the petitions are being adjourned to 15 July 2025, we only observe at this stage that the Director General of Shipping will look into the aspect raised by the Petitioner and respond to the above grievance/concern that salvaging operation be not affected by the next date of posting.

8. The Directorate General of Shipping has placed before us a status report as on 30 June 2025 based on the written and verbal inputs received from the stakeholders, which reads thus :-

***“3. Present Status:***

*The transition of salvage operations from T&T Salvage to SMIT Salvage has been formally completed as of 28th June 2025 at 1000 hours. The Canara Megh is presently deployed on-site for caretaking duties, conducting 24-hour monitoring operations with reports being relayed every six hours. VHF safety broadcasts are being transmitted hourly to warn passing traffic to maintain a one nautical mile exclusion zone around the wreck location. Weather conditions at the site are reported as long swells of approximately three metres with moderate wind speeds of 12-15 knots. No visible oil sheen or floating debris has been reported in the latest assessments.*

*On the shoreline, coordinated clean-up operations continue. The recovered plastic nurdles from impacted beaches in Trivandrum and Kollam districts are being systematically transported to Kollam Port. As of 30th June 2025, a total of approximately 106.823 metric tons of nurdles have been moved to the designated MERC warehouse at Kollam Port. Volunteer mobilisation remains strong, with 456 volunteers engaged in Trivandrum and additional teams supporting operations in Kollam, Rameshwaram, and Kanyakumari.*

*Container recovery operations are nearing completion, with three sunken containers remaining to be salvaged. These operations are expected to conclude within the week. Pollution Control Board (PCB) officials have conducted preliminary water sampling, with reports awaited. Planning is underway to establish a weekly water quality monitoring protocol both along the shoreline and at the wreck site.*

***4. Situation Assessment:***

*The handover of salvage responsibilities to SMIT Salvage marks a critical milestone in stabilising the response effort.*

*With the Southern Nova Dive Support Vessel prepared and audited in Singapore, mobilisation for fuel extraction and further technical operations is progressing. Engagement with MSC, MERC, and Brand Marine Consultants ensures alignment on the next operational phase.*

*The estimated nurdle cargo based on manifests indicates 72 containers with a total net weight of 1,559 metric tons. However, only eight containers with plastic nurdles are confirmed to have been released from the deck, with ongoing shoreline arrivals observed, particularly along Kerala and Tamil Nadu coasts. Recovered nurdles are being secured in bonded storage at Kollam Port, with disposal protocols being finalised in consultation with Customs and relevant agencies. Material collected in Tamil Nadu remains stored at designated sites pending State Government disposal instructions.*

<b><i>Pellet containers on MSC ELSA III</i></b>			
<i>Location</i>	<i>Number of containers</i>	<i>Total number of packages (pellet bags)</i>	<i>Total net cargo weight (kg)</i>
<i>Above deck</i>	<i>48</i>	<i>47,780.00</i>	<i>1,041,138.00</i>
<i>Below deck</i>	<i>24</i>	<i>23,760.00</i>	<i>518,076.00</i>
<i>Total</i>	<i>72</i>	<i>71,540.00</i>	<i>1,559,214.00</i>
<b><i>Known pellet containers released from wreck.</i></b>			
<i>Kerala shoreline</i>	<i>8</i>	<i>7,920.00</i>	<i>172,762.00</i>

*Environmental surveillance remains robust. No significant oil sheen or floating containers have been detected by aerial sorties or on-site monitoring in recent days. Continued vigilance around the site is essential, including routine water sampling, particularly in ecologically sensitive regions like the Gulf of Mannar.*

*Overall, response efforts are stabilised, though the focus must remain on finalising container recovery, enhancing*

WP (PIL) Nos.50, 60 & 70 of 2025

-:7 :-

*environmental monitoring, accelerating nurdle disposal, and preparing for the next operational phase under SMIT Salvage's direction.”*

9. Post on 15 July 2025. In the meanwhile, additional affidavit, if any, be filed by the 12<sup>th</sup> Respondent Company in WP(PIL) No.50 of 2025 along with compilations.

Sd/-  
NITIN JAMDAR  
CHIEF JUSTICE

Sd/-  
BASANT BALAJI  
JUDGE

Jvt/2.7.2025



IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR  
&  
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 19<sup>th</sup> day of June 2025 / 29th Jyaishta, 1947  
WP(PIL) NO. 50 OF 2025(S)

PETITIONER:

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,  
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,  
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,  
KERALA, PIN - 680 569.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.
2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.
4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.
5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.
6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.
9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.
10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.
11. VIZHINJAM INTERNATIONAL SEAPORT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.
12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA.  
EMAIL:comm@mscindia.com, PIN - 400 059.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 12/06/2025 and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.V.VINU, Advocate for R1 to R4, SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL & SRI.N.MANOJ KUMAR, STATE ATTORNEY for R5, R6, R9 & R10, SRI.T.NAVEEN, STANDING COUNSEL for R7, SRI.VIPIN P. VARGHESE, STANDING COUNSEL for R11, M/S. SANTHOSH MATHEW & PRASANTH S.PRATHAP, SENIOR ADVOCATES along with M/S. PRANOY K. KOTTARAM, SIVARAMAN P.L, ATHUL BABU, SREENAND UDAYAN & RUCHIR GOENKA, Advocates for R12 and of ADV.SRI.ARJUN SREEDHAR, AMICUS CURIAE, the court passed the following:

P.T.O.

W.P(PIL).50 &amp; 60 of 2025

-:1:-

**NITIN JAMDAR, C.J. & BASANT BALAJI, J.**

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**W.P(PIL)Nos.50 & 60 of 2025**

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**Dated this the 19<sup>th</sup> day of June 2025****ORDER****Nitin Jamdar, C.J.**

Heard Mr.V.Harish, learned counsel for the Petitioner in W.P(PIL)No.50 of 2025, Mr.K.Gopalakrishna Kurup, learned Advocate General, Mr.T.V.Vinu, learned counsel representing Ms.O.M.Shalina, learned DSGI, Mr.Arjun Sreedhar, learned Amicus Curiae, Mr.T.Naveen, learned Standing Counsel for Respondent No.7 in W.P(PIL)No.50 of 2025, Mr.Vipin P.Varghese, learned Standing Counsel for Respondent No.11 in W.P(PIL)No.50 of 2025, Mr.Prasanth S.Prathap, learned Senior Advocate, Mr.Santhosh Mathew, learned Senior Advocate, Mr.Pranoy K.Kottaram and Mr.Ruchir Goenka, learned counsel appearing for Respondent No.12 in W.P(PIL)No.50 of 2025.

2. We have perused the counter-affidavit filed by the State. The State has enumerated the steps proposed to be taken under the Environment (Protection) Act, 1986 (Act 29 of 1986) and has pointed out that the Special Secretary, the Department of Environment, has been appointed as the Principal Impact Assessment Officer. It is also pointed out that the Minister for Fisheries had convened a meeting with the stakeholders, and the Fisheries Department has forwarded a loss assessment report to the Special Secretary to the Government. It is also pointed out that the Director General of Shipping

has directed the State Authorities to submit the interim claim, which has been forwarded to the Director General of Shipping.

3. As regards the admiralty jurisdiction, it is stated that the State has decided to file an Admiralty Suit in the Kerala High Court, including the arrest of the sister vessel as per Section 5 of the Admiralty (Jurisdiction and settlement of Maritime Claims) Act, 2017, the Act 22 of 2017. Section 4(1) (u) of the Act 22 of 2017 needs to be noted. It reads thus:

*“4. Maritime claim.—(1) The High Court may exercise jurisdiction to hear and determine any question on a maritime claim against any vessel arising out of any—*

*\*\**

*(u) damage or threat of damage caused by the vessel to the environment, coastline or related interests; measures taken to prevent, minimise, or remove such damage; compensation for such damage; costs of reasonable measures for the restoration of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; or any other damage, costs, or loss of a similar nature to those identified in this clause;”*

If the State decides to move under the above clause to claim damages, it does so also on behalf of the people and the environment. The Act also enables the plaintiff to move for urgent steps for the arrest of the sister ship.

4. However, by Government Order dated 30 May 2025, the Principal Secretary of the Disaster Management Department of the State has constituted a Committee for the negotiation of compensation for pollution damage caused

by MSC ELSA-3 and the consequent cost. The compensations and costs pertain to the restoration of the coastline and marine environment, as well as the costs and expenses incurred for the removal of the wreck, and the economic loss suffered by fishermen and recreational areas along the coast of Kerala. This negotiating committee comprises of government officers. As accepted by the learned Advocate, the object of the negotiations will be to enter into a binding agreement in respect of the quantum of damages with the Respondent No. 12 company. Thus, these negotiations will result in a binding agreement on damages related to the same subject matter under Section 4(1) (u) of the Act.

5. If that is the position, various concerns be raised by the Petitioners. It could be argued that negotiations concerning substantial environmental damage should not be conducted behind closed doors without public disclosure or procedural safeguards. Questions could be raised about the transparency and fairness of the negotiations. It could be argued that since the harm affects the public directly, the process of settlement cannot remain confidential or hidden from public view and that the public has a right to know the basis of the negotiations, the extent of the damage assessed, the terms being proposed, and the principles on which the settlement is being structured. Secondly, whether such a binding settlement between the State and the Respondent-Company could affect the claims in the proposed Admiralty Suit. There could be a risk that once an agreement is signed, it may affect subsequent legal steps, even if the terms are not adequate or fair. On the other

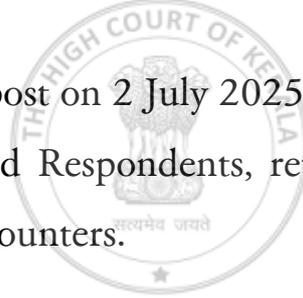
W.P(PIL).50 &amp; 60 of 2025

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hand, a settlement can also take place in Court after a suit is filed. If the settlement takes place in Court, the Court could examine the contents ensuring full transparency as terms would be in the public domain.

6. Therefore, according to us, once the State has committed to invoke the admiralty jurisdiction of this Court under Section 4(1)(u) and other provisions of the Act 22 of 2017, to avoid any complications and considering the above concerns and that the matter would be now be considered in detail, it would be appropriate that at present the State defers the negotiations by the special committee of government Officers.

7. At the joint request, post on 2 July 2025 at 1.45 pm. In the meanwhile, issue notice to the unserved Respondents, returnable on 2 July 2025. The Respondents will file their counters.



Sd/-  
**NITIN JAMDAR,**  
**CHIEF JUSTICE**

Sd/-  
**BASANT BALAJI,**  
**JUDGE**

vgd/-

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR  
&  
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 12<sup>th</sup> day of June 2025 / 22nd Jyaishta, 1947  
WP(PIL) NO. 50 OF 2025(S)

PETITIONER:

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,  
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,  
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,  
KERALA, PIN - 680 569.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.
2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.
4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.
5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.
6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.
9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.
10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.
11. VIZHINJAM INTERNATIONAL SEAPORT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.
12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA.  
EMAIL:comm@mscindia.com, PIN - 400 059.

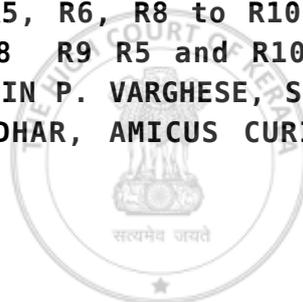
Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 05/06/2025 and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.V.VINU, Advocate for R1 to R4, SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL for R5, R6, R8 to R10, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R5, R6,R8 R9 R5 and R10 , SRI.T.NAVEEN, STANDING COUNSEL for R7, SRI.VIPIN P. VARGHESE, STANDING COUNSEL for R11 and of ADV.SRI.ARJUN SREEDHAR, AMICUS CURIAE, the court passed the following:



P.T.O.

WP(PIL) No.50/2025

:1:

NITIN JAMDAR, C.J. &amp; BASANT BALAJI, J.

\*\*\*\*\*

W.P.(PIL). No. 50 of 2025

\*\*\*\*\*

Dated this the 12<sup>th</sup> day of June, 2025.ORDERNitin Jamdar, C.J.

This petition is listed for 9 June 2025; however, it was listed to today in view of another mishap involving a ship 'WAN HAI 503' which caught fire off the Kannur coast, with a likelihood of substantial risk to the marine environment.

2. Heard Mr. V. Harish, learned counsel for the Petitioner, Mr. K. Gopalakrishna Kurup, learned Advocate General appearing for Respondent Nos.6, 8, and 9, Mr. T. Naveen, learned Standing Counsel for the Respondent No.7, Mr. T.V. Vinu, learned counsel representing Ms. O.M. Shalina, learned DSGI, and Mr. Vipin. P. Varghese learned as Standing Counsel for Respondent No.11.

3. The learned counsel for the Petitioner seeks leave to amend the writ petition to place on record the facts pertaining to the incident involving 'WAN HAI 503' and to implead the necessary parties in that regard. Leave is granted.

4. The learned Advocate General informs us that the explosion on 'WAN HAI 503' occurred at 22:00 hours on 9 June 2025. The Indian

Coast Guard, the Indian Navy, the Directorate General of Shipping, and the salvage partners have mobilised firefighting and search operations. It is stated that the fire has been partially contained, however, the vessel remains unmanned and adrift, drifting in a south-southeasterly direction at approximately 1 knot and as per the latest update, the vessel is located approximately 65 nautical miles off the Indian coastline. It is stated that the vessel remains afloat but continues to emit heavy smoke. It is further informed that, according to the owners, MV 'WAN HAI 503' was carrying a total of 1,754 containers on board, several of which contained flammable liquids, flammable solids, and corrosive substances. The learned Advocate General has placed before us certain details regarding the containers on board 'WAN HAI 503'. Most of the containers are stated to have chemicals, including pesticides, and various other environmentally hazardous substances. Some of the chemicals are, METHOXY-2-PROPANOL; DIACETONE ALCOHOL; METHYL METHACRYLATE MONOMER; METHYL METHACRYLATE MONOMER STABILIZED; CHLOROANILINES LIQUID; RESIN SOLUTION; TRICHLOROBENZENE; TETRAETHYLENEPENTAMINE; HYDROBROMIC ACID; ISOPROPYL ALCOHOL; DICYCLOPENTADIENE; 1-METHOXY-2-PROPANOL; DICYCLOPENTADIENE; TETRAETHYLENEPENTAMINE; PIPERAZINE; AMMONIUM METAVANADATE; ETHYL CHLOROFORMATE; PHOSPHORIC

ACID SOLUTION; BIPYRIDILIUM PESTICIDE; NAPHTHALENE; MALEIC ANHYDRIDE; PARAFORMALDEHYDE; PARAFORMALDEHYDE; MALEIC ANHYDRIDE. The containers also contain printing ink, thinning or reducing compound, and also environmentally hazardous substance / solids. These items can cause serious damage to the marine ecology. This situation could place substantial strain once again on both the Central and State machinery.

5. As regards the vessel MSC ELSA-3, the learned Advocate General submitted that the Cargo Manifest has been published on the official website of the Kerala State Disaster Management Authority (KSDMA). It is also informed that an Expert Committee has been constituted to assess the ecological impact. An FIR is lodged by the Fort Kochi Police Station on 11 June 2025 against the owner of the vessel MSC ELSA-3 and other crew members under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 based on a complaint received from one Mr. Shamji, Thekkum Muri, Neerkunnam, Malsya Gramam. It is also stated that the interim relief in terms of money and rice is extended to each fisherman.

6. For undertaking the remedial measures for environmental damages and providing assistance to the affected citizens, substantial amount from the public exchequer will have to be, and is being spent. However, there are various statutory provisions and International Conventions which will enable the Government to proceed against the offending vessel and

its owners through both, criminal and civil action, and recover damages. Among the statutory provisions which are relevant to note are as follows.

7. Under Section 3 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (Act of 2017), the Kerala High Court has jurisdiction in respect of the maritime claim. Section 4 confers jurisdiction on the Kerala High Court to determine any question of maritime claim against any vessel, and under Section 4(1)(u), the claim can be a damage or threat of damage caused by the vessel to the environment, coastline or related interests. The relevant portions of Section 4 are as follows:

***“4. Maritime claim.*** – (1) *The High Court may exercise jurisdiction to hear and determine any question on a maritime claim, against any vessel, arising out of any -*

*(u) damage or threat of damage caused by the vessel to the environment, coastline or related interests; measures taken to prevent, minimise, or remove such damage; compensation for such damage; costs of reasonable measures for the restoration of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; or any other damage, costs, or loss of a similar nature to those identified in this clause;*

*(v) costs or expenses relating to raising, removal, recovery, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such*

vessel, and costs or expenses relating to the preservation of an abandoned vessel and maintenance of its crew; and

*Explanation. – xxx*

*(2) While exercising jurisdiction under sub-section (1), the High Court may settle any account outstanding and unsettled between the parties in relation to a vessel, and direct that the vessel, or any share thereof, shall be sold, or make such other order as it may think fit.*

*(3) Where the High Court orders any vessel to be sold, it may hear and determine any question arising as to the title to the proceeds of the sale.*

*(4) Any vessel ordered to be arrested or any proceeds of a vessel on sale under this Act shall be held as security against any claim pending final outcome of the admiralty proceeding.*

\*\*\*

*(emphasis supplied)*

Therefore, a suit under Section 4 can always be filed, and even a sister vessel can be arrested.

8. Under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (Act of 1976), the continental shelf and exclusive economic zone have been defined under Sections 6 and 7. As stated under section 6, the Continental shelf of India comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline

referred to in sub-section (2) of Section 3 where the outer edge of the continental margin does not extend up to that distance. India has, and always has, full and exclusive sovereign rights in respect of its continental shelf. In the Continental shelf, the Union has the exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution. The Exclusive Economic Zone defined under Section 7 is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline referred to in sub-section (2) of Section 3. In the Exclusive Economic Zone, the Union has sovereign rights for exploration, exploitation, conservation and management of the natural resources, both living and non-living. It also has the exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution. The loss of commercially harvested fish due to the marine pollution by these vessels in the exclusive economic zone can also be considered an economic loss.

9. Under the Merchant Shipping Act, 1958 (Act of 1958), various provisions which empower the Government to take steps. Part XI-A deals with the prevention and containment of pollution of the sea by oil. Section 358 of the Act of 1958 contemplates inquiries into ship casualties. Under Section 358(1)(a), a shipping casualty occurs when a ship is lost, abandoned, stranded or materially damaged. Under Section 359, a report of the shipping casualty has to be made to the Central Government.

10. Part X-B of the Act of 1958 provides for civil liability for oil pollution damage. Section 352-G(d) deals with a foreign ship as well. Part X-C deals with the international oil pollution compensation fund, and Section 352T deals with contributions to the fund. Section 352-T of the Act of 1958 states that the contributions to the Fund, in respect of contributing oil carried by sea to ports or terminal installations in India, shall be payable in accordance with Articles 10 and 12 of the Fund Convention. The person liable to pay contributions to the Fund shall be in case of contributing oil which is being imported into India, the importer: or in any other case, the person by whom the oil is received in India.

11. Under the Act of 1958, several rules have been framed which deal with the contingency. These are as follows:

*A. Merchant Shipping (Prevention of Pollution by Harmful Substances Carried by Sea in Packed Form) Rules, 2010.*

*B. Merchant Shipping (International Fund for Compensation for Oil Pollution Damage) Rules, 2008.*

*C. Merchant Shipping (Civil Liability for Oil Pollution Damage) Rules, 2008.*

\*\*\*

12. There are International Conventions on the issue of marine pollution. The relevant International Conventions are as under:

*A. International Convention on Civil Liability for Oil Pollution Damage, 1992.*

*B. The Nairobi International Convention on the Removal of Wrecks, 2007.*

*C. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.*

\*\*\*

Following these Conventions, there have been several cases in other countries where the coastal States have sued for damages against offending vessels in respect of marine pollution, and substantial damages have been awarded.

13. The point we wish to emphasize is that there exist various legal instruments under which the State and Central Government can proceed to take action. For example, the District Collector can institute an Admiralty Suit under Section 4(1)(u) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 and even seek necessary directions in respect of arrest of sister vessels, subject, of course, to the rights and contentions of the parties. Normally, such actions under Admiralty laws are taken on urgent basis. Also under the Act of 1958, there is a substantial role to be played by the Director General of Shipping, which includes inquiries and necessary action.

14. As mentioned above, an FIR has been lodged on a complaint by the Fort Kochi Police Station under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The learned counsel for

the Petitioner submitted that FIR will also to be filed under the Environment (Protection) Act, 1986 (Act of 1986) as well. The learned Advocate General submitted that under Section 19 of the Act of 1986, no Court shall take cognizance of any offence under this Act except on a complaint made by the Central Government, and therefore, the State officers will not be able to file an FIR under Section 19. The learned counsel for the Petitioner, however, submitted that the Central Government has issued a notification under Section 19 of the Act of 1986 authorizing the State authorities to register an FIR for the offence under the Environment (Protection) Act within the jurisdiction. The State will examine this position and proceed; if not, the Central Government will examine this position in respect of the offences under the Act of 1986.

15. When various courses of action have been provided under the aforementioned statutes and international conventions, both the Central and the State Governments are expected to exercise those powers, any delay or failure to act may give rise to an argument by an offender in future that a precedent is being set. The learned Advocate General and the learned Central Government Counsel have submitted that action has already been initiated under various provisions. The response of the State and the Central Government on the aforesaid action taken / to be taken in respect of the various statutory provisions will be placed on record on the next date of hearing.

WP(PIL) No.50/2025

:10:

16. The Petitioner is also permitted to correct the description of Respondent No. 11, which, according to both the Petitioner and Respondent No. 11, has been incorrectly stated.

17. Amendments to be carried out before the next date of hearing. Post on 19 June 2025. Issue notice to the unrepresented Respondents, returnable on next date.

18. We request Adv. Mr. Arjun Sreedhar to assist the court as an *amicus curiae*. Registry to supply papers to the learned Amicus.



Sd/-  
**Nitin Jamdar,**  
**Chief Justice**

Sd/-  
**Basant Balaji,**  
**Judge**

krj/-

//TRUE COPY//

P.A. TO C.J.

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR  
&  
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 5<sup>th</sup> day of June 2025 / 15th Jyaishta, 1947  
WP(PIL) NO. 50 OF 2025(S)

**PETITIONER:**

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,  
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,  
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,  
KERALA, PIN - 680 569.

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.
2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.
4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.
5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.
6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.
9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.
10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.
11. VIZHINJAM INTERNATIONAL SEAPORT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.
12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA.  
EMAIL:comm@mscindia.com, PIN - 400 059.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(PIL) and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.V.VINU, Advocate for R1 to R4, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R6, R8 & R9, SRI.T.NAVEEN, STANDING COUNSEL for R7, SRI.VIPIN P. VARGHESE, STANDING COUNSEL for R11, the court passed the following:



P.T.O.

NITIN JAMDAR, C.J.  
&  
BASANT BALAJI, J.

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W.P.(PIL) No.50/2025

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Dated this the 5<sup>th</sup> day of June 2025

ORDER

Heard Mr. V. Harish, learned counsel for the Petitioner, Mr. N. Manoj Kumar, learned State Attorney, appearing for Respondent Nos.6, 8, and 9, Mr. T. Naveen, learned Standing Counsel for the Respondent No.7, Mr. T.V. Vinu, learned counsel representing Ms. O.M. Shalina, learned DSGI, and Mr. Vipin. P. Varghese learned Standing Counsel for Respondent No.11.

2. The learned counsel for Respondent No.11 states that Respondent No.11 has been wrongly joined. According to the Petitioner, Respondent No.11 holds information that may aid the proceedings. This aspect will be considered on the next date of hearing.

3. The Petitioner has raised various issues arising from the maritime disaster involving a cargo vessel on 24 May 2025 and its impact on the marine and coastal ecology and the livelihood of the fishermen in Kerala.

4. The Petitioner contends that various preventive steps, such as the oil spill prevention plan, which were mandated by earlier orders of the State Government itself, are not being formulated by the Kerala State Pollution Control Board. The Petitioner has also made a grievance about the lack of

information shared with the general public regarding the details extent of the damage.

5. The learned State Attorney states that the National Green Tribunal has taken *suo motu* cognisance of the matter. The learned counsel for the Petitioner submits that in the *suo motu* petition, primarily, the Central Ministry has been joined.

6. As regards the information regarding the incident, the learned State Attorney states that an investigation is going on, and expert bodies have been constituted and once the investigation is complete and the report is ready, clear information will be available.

7. Considering the magnitude of the this disaster, which is admittedly affecting the marine and coastal ecology, the State should place the information that is so far available in the public domain, such as information regarding cargo and the ecological impact of the material carried by the said ship. The learned State Attorney shall get instructions as to whether this information is already placed in the public domain by the State Government on its official website. Otherwise, we expect the State Government to place the information it currently holds on its official website by the next date of hearing.

8. The learned counsel for the petitioner submits that the State Government had engaged volunteers for the removal of contaminants from the seashore, but the State Government has stopped engaging these volunteers, which will affect remedial measures that have been taken by the State. The learned State Attorney states that there is no scope for any

apprehension as the State Government is taking remedial measures in the matter, and it is open to the petitioner to communicate with the concerned authority of the State in this regard.

9. Post on 19 June 2025.

Sd/-

**NITIN JAMDAR,  
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI,  
JUDGE**

JS



IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

Monday, the 7<sup>th</sup> day of July 2025 / 16th Ashadha, 1947  
IA.NO.1/2025 IN ADML.S. NO. 12 OF 2025 J

APPLICANT/PLAINTIFF:

STATE OF KERALA REPRESENTED BY ITS SPECIAL SECRETARY ENVIRONMENT  
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -  
695001.,KERALA.

RESPONDENTS/DEFENDANTS:

1. M V MSC AKITETA II (IMO NO. 9220847) (AND HER OWNERS AND ALL OTHER PERSONS CONCERNED AND ALL OTHER PERSONS CONCERNED AND/OR INTERESTED IN HER) A VESSEL REGISTERED IN LIBERIA, TOGETHER WITH HER HULL, TACKLE, ENGINES, GEARS, PLANT, MACHINERY, ARTICLES, THINGS, APPAREL, EQUIPMENT, PARAPHERNALIA, AND ALL OTHER APPURTENANCES, PRESENTLY AT THE PORT AND HARBOUR OF ADANI PORT, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT.
2. MEDITERRANEAN SHIPPING CO. S.A (MSC) REPRESENTED AS OWNER/DEMISE CHARTERER/MANAGER AND OPERATOR OF THE VESSEL, MSC ELSA 3, HAVING ITS OFFICE ADDRESS AT SA CHEMIN RIEU, 12-14, 1208, GENEVA, SWITZERLAND.
3. MEDITERRANEAN SHIPPING COMPANY THROUGH ITS AUTHORIZED NODAL OFFICER, MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA, PIN - 400059.
4. MSC AGENCY INDIA PVT LTD 146, PALAYAMKOTTAI ROAD, 1ST FLOOR, MANICKAM TOWER, TUTICORIN, INDIA, PIN - 628003.
5. ADANI VIZHINJAM PORT PVT LTD PORT OPERATION BUILDING, MULLOOR, THIRUVANANTHAPURAM, KERALA, INDIA, PIN - 695521.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to issue a warrant of arrest of the 1st defendant Vessel M V MSC AKITETE II(IMO No.9220847) flying flag of Liberia, along with her hull, tackle,engine,machinery spares,gear,apparel,paraphernalia,furniture,etc, presently/scheduled to be within the Territorial Waters of India at the Port/Anchorage of Vizhinjam and direct the 5th defendant (Adani Vizhinjam Port PVT LTD, Port Operation Building,Mulloor,Thiruvananthapuram,Kerala-695521) to keep the vessel under safe arrest until further orders of this Hon'ble Court and also prayed that this Hon'ble Court may be pleased to communicate the order of arrest to the 5th Respondent/Defendant by e-mail/fax/phone and direct the 5th Respondent/Defendant to act upon the e-mail/fax/copy of order, in the interest of justice.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of GOVERNMENT PLEADER, for the petitioner and of PRANOY K.KOTTARAM Advocate for the respondent No.1, Roshen D. Alexander, Advocate for the respondent No.5, the court passed the following:

**M.A. ABDUL HAKHIM, J.**

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**Adml.S. No. 12 of 2025**  
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**Dated this the 7<sup>th</sup> day of July 2025**

**ORDER**

1. Admit. Advocate Sri. Pranoy.K.Kottaram takes notice for the 1<sup>st</sup> defendant as he has appeared pursuant to the Caveat filed by him. Advocate Sri. Roshen D. Alexander takes notice for the 5<sup>th</sup> defendant/Port. Advocate Sri. Pranoy.K.Kottaram submitted that he has instructions for appearing only for the 1<sup>st</sup> defendant vessel and he prayed for posting on 10.07.2025 in order to enable him to report whether he will be able to take notice for the defendants 2 to 5. The 2<sup>nd</sup> defendant is shown as the owner of the 1<sup>st</sup> defendant vessel and the 3<sup>rd</sup> and 4<sup>th</sup> defendants are stated to be the agents of the 2<sup>nd</sup> defendant in India. In view of the submission of Advocate Sri. Pranoy.K.Kottaram, the issuance of notice to the defendants Nos. 2 to 4 is deferred for the time being.
2. Post the suit for further consideration on 10.07.2025..

**I.A. No.1 of 2025**

1. This Application is filed by the plaintiff in the captioned Admiralty Suit to issue Warrant of Arrest against the Marine Vessel “MSC” AKITETA II (IMO 9220847) with all her accessories, which is presently anchored at Vizhinjam Port, which is within the territorial waters of India and within the admiralty jurisdiction of this Court.
2. I heard the learned Advocate General Sri.K.Gopalakrishna Kurup instructed by learned Government Pleader Smt.Parvathy Kottol for the Applicant/State of Kerala, learned counsel for the 1<sup>st</sup> respondent Sri. Pranoy.K.Kottaram and the learned Counsel for the 5<sup>th</sup> respondent Sri. Roshen D. Alexander.
3. The State of Kerala as the plaintiff through its Special Secretary, Environment Department has filed the above captioned suit seeking to pass a decree directing the 1<sup>st</sup> and 2<sup>nd</sup> defendants to pay a sum of Rs.9,531 Cores to it towards maritime claims, with interest @ 6% per annum till the date

of decree and thereafter 12% from the date of decree till realisation.

4. The maritime claims are made with respect to the vessel “MSC ELSA -3 (IMO No. 9123221)” belonging to the 2<sup>nd</sup> respondent which was capsized and sunk in the coastal waters of Kerala, on the allegation that the same has been causing damage by way of pollution to marine environment, coastline and related interest of the State and also economic loss to the fishermen in the State.
5. Rs. 8,626.12 Crores is claimed as compensation towards damage caused by MSC ELSA- 3 to the environment, coastline and related interest of the State of Kerala. It is averred in the plaint that the damage occurred on account of oil pollution caused by the said vessel and pollution caused by the cargo in 643 containers carried in the said vessel. It is averred that the compensation is computed in accordance with the Central Pollution Control Board Guidelines. The computation of the said claim is provided in paragraph Nos.V.I, V.I.A and V.I.B of the plaint.

6. Rs.378.48 Crores is claimed for taking measures to prevent, minimise or remove the damage caused by the said vessel to the environment, coastline, and related interest in the State of Kerala and cost of reasonable measures for restoration of environment. The computation of the said claim is provided in paragraph V.II of the plaint.
7. Rs,526.51 Crores is claimed towards economic loss caused to the fishermen of the State of Kerala as a result of damage caused by the aforesaid vessel. The details of computation of the claim is provided in Paragraph No. V.III, V.III.1 and V.III.2 and V.III.3.
8. The Applicant has produced 42 documents along with the plaint to prove the plaint claim.
9. Document No.1 would show that Nairne Ocean Way Limited is the registered owner and the 2<sup>nd</sup> respondent is the Ship Manager/Commercial Manager of MSC AKITETA II. The address of the 2<sup>nd</sup> respondent is shown as the care of address of the registered owner of MSC AKITETA II. It reveals that the 2<sup>nd</sup> respondent is having substantial interest

in the registered owner of 1<sup>st</sup> respondent vessel. Document No.2 would reveal that ELSA 3 Maritime INC is the registered owner and the 2<sup>nd</sup> respondent is the Ship Manager / Commercial Manager of MSC ELSA III. The address of ELSA 3 Maritime INC is shown as the care of address of the 2<sup>nd</sup> respondent. It reveals that the 2<sup>nd</sup> respondent is having substantial interest in the registered owner of MSC ELSA III also. I, prima facie, find that these documents would prove that MSC ELSA III and MSC AKITETA II are registered in the name of two sister/subsidiary companies of the 2<sup>nd</sup> respondent and both the vessels are managed, operated, controlled and owned by the 2<sup>nd</sup> respondent. Accordingly, both these vessels are, prima facie, sister vessels.

10. Since the 1<sup>st</sup> respondent vessel is anchored at Vizhinjam Port within the territorial jurisdiction of this Court, this Court has admiralty jurisdiction over the same as per the provisions of the Admiralty (Jurisdiction and settlement of Maritime Claims) 2017. I prima facie find that averments in the plaint and in the Affidavit in support of this Application and

the documents produced by the Applicant would make out a maritime claim against the respondents 1 and 2 under S.4(1) of the Admiralty (Jurisdiction and settlement of Maritime Claims) 2017 to invoke the admiralty jurisdiction of this Court conferred under S.5 for the arrest and detention of the 1<sup>st</sup> respondent vessel in order to obtain security for the plaint claim. I am satisfied that an arguable maritime claim is made out by the Applicant warranting a conditional order of arrest of the 1<sup>st</sup> respondent vessel till the 1<sup>st</sup> respondent furnishes security for the plaint claim.

11. Accordingly, the following conditional order is passed.

1. The 1<sup>st</sup> respondent vessel by name "**MSC**" **AKITETA II (IMO 9220847)** along with her hull, tackle, engine, machinery spares, gear, apparel, paraphernalia, furniture etc. presently anchored in the Vizhinjam Port is ordered to be arrested until **Rs.9,531 Crores** is deposited by the 1<sup>st</sup> respondent in this Court or until

security for the said amount is furnished by the 1<sup>st</sup> respondent to the satisfaction of this Court.

2. It is ordered that the 5<sup>th</sup> respondent shall execute the Warrant and effect the arrest, seizure and detention of the said vessel “**MSC**” **AKITETA II (IMO 9220847)**” along with her hull, tackle, engines, machinery, boards, bunkers, equipment, peripherals and other appurtenances as ordered above.
3. It is made clear that this Order will not in any way prevent the loading and unloading of cargo of the Vessel.

List the I.A for further consideration on **10.07.2025**.

Sd/-

**M.A.ABDUL HAKHIM  
JUDGE**

jma

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

Thursday, the 10<sup>th</sup> day of July 2025 / 19th Ashadha, 1947  
IA.NO.1/2025 IN ADML.S. NO. 12 OF 2025 J

APPLICANT/PLAINTIFF:

STATE OF KERALA REPRESENTED BY ITS SPECIAL SECRETARY ENVIRONMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA PIN - 695001.

RESPONDENTS/DEFENDANTS:

1. M V MSC AKITETA II (IMO NO. 9220847) (AND HER OWNERS AND ALL OTHER PERSONS CONCERNED AND ALL OTHER PERSONS CONCERNED AND/OR INTERESTED IN HER) A VESSEL REGISTERED IN LIBERIA, TOGETHER WITH HER HULL, TACKLE, ENGINES, GEARS, PLANT, MACHINERY, ARTICLES, THINGS, APPAREL, EQUIPMENT, PARAPHERNALIA, AND ALL OTHER APPURTENANCES, PRESENTLY AT THE PORT AND HARBOUR OF ADANI PORT, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT.
2. MEDITERRANEAN SHIPPING CO. S.A (MSC) REPRESENTED AS OWNER/DEMISE CHARTERER/MANAGER AND OPERATOR OF THE VESSEL, MSC ELSA 3, HAVING ITS OFFICE ADDRESS AT SA CHEMIN RIEU, 12-14, 1208, GENEVA, SWITZERLAND.
3. MEDITERRANEAN SHIPPING COMPANY THROUGH ITS AUTHORIZED NODAL OFFICER, MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA, PIN - 400059.
4. MSC AGENCY INDIA PVT LTD 146, PALAYAMKOTTAI ROAD, 1ST FLOOR, MANICKAM TOWER, TUTICORIN, INDIA, PIN - 628003.
5. ADANI VIZHINJAM PORT PVT LTD PORT OPERATION BUILDING, MULLOOR, THIRUVANANTHAPURAM, KERALA, INDIA, PIN - 695521.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to issue a warrant of arrest of the 1st defendant Vessel M V MSC AKITETA II(IMO No.9220847) flying flag of Liberia, along with her hull, tackle, engine, machinery spares, gear, apparel, paraphernalia, furniture, etc, presently/scheduled to be within the Territorial Waters of India at the Port/Anchorage of Vizhinjam and direct the 5th defendant (Adani Vizhinjam Port PVT LTD, Port Operation Building, Mulloor, Thiruvananthapuram, Kerala-695521) to keep the vessel under safe arrest until further orders of this Hon'ble Court and also prayed that this Hon'ble Court may be pleased to communicate the order of arrest to the 5th Respondent/Defendant by e-mail/fax/phone and direct the 5th Respondent/Defendant to act upon the e-mail/fax/copy of the order, in the interest of justice.

This Application again coming on for orders upon perusing the application and the affidavit filed in support thereof, and this court's order dated 07.07.2025, and upon hearing the arguments of ADVOCATE GENERAL SRI.K. GOPALAKRISHNA KURUP and GOVERNMENT PLEADER SMT.PARVATHY KOTTOL, for the Applicant/State of Kerala and of SRI. PRASANT S. PRATHAP, SENIOR ADVOCATE and SRI.PRANOY K.KOTTARAM Advocate for the respondent No.1, SRI.ROSHEN D. ALEXANDER, Advocate for the respondent No.5, the court passed the following:



**M.A. ABDUL HAKHIM, J.**

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**Adml.S. No. 12 of 2025**  
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**Dated this the 10<sup>th</sup> day of July 2025**

**ORDER**

1. List the suit for further consideration on 06.08.2025.

**I.A. No.1 of 2025**

1. This Court passed an order of conditional arrest dated 07.07.2025 in this Application for arresting the 1<sup>st</sup> respondent Vessel till the 1<sup>st</sup> respondent furnishes security for the plaint claim of Rs.9,531 Crores to the satisfaction of this Court.
2. This Application was posted today for further consideration on the request of the learned counsel for the 1<sup>st</sup> respondent, Sri. Pranoy K. Kottaram, who appeared pursuant to the Caveat filed by him.
3. Today, when this Application is taken for consideration, Senior Counsel Sri. Prasanth S. Pratap instructed by Adv. Sri. Pranoy K. Kottaram appeared for the 1<sup>st</sup> respondent and made submissions to convince this Court that the suit at the

instance of the State Government is not maintainable as the vessel is not within the territorial waters; that there is no report of any oil pollution caused on account of the accident of the vessel MSC ELSA III; that the oil sheen spread within one nautical mile in the sea was completely removed by the ship owner and that the claim, if at all maintainable, is highly exaggerated for want of supporting documents. The learned Senior counsel invited my attention to Section 11(2) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, which provides for modification or cancellation of the security for sufficient reasons by this Court on application of the party providing security. The learned Senior Counsel cited the Division Bench judgment of this Court in MFA (Admiralty) Nos. 78 & 90 of 2017 in which the Division Bench confirmed the order of the learned Single Judge reducing the security to Rupees one Crore as against the original order to furnish the security for Rs.18.15 Crores. The learned Senior Counsel submitted that the 1<sup>st</sup> respondent will be filing Counter Affidavit detailing its objections along with supporting

documents within a short time and that the oral submissions are made on account of the extreme urgency in the matter and the paucity to file Counter Affidavit.

4. The learned Advocate General, Sri. K. Gopalakrishna Kurup, instructed by Smt. Parvathy Kottol submitted that this Court passed an interim order of arrest on 07.07.2025 after satisfying the prima facie case revealed from the plaint and the supporting documents. The further consideration as to the continuance or modification of the said order arises only after the completion of pleadings in the Interim Application. The respondents have not filed any counter affidavit in the matter.
5. In the light of the submissions made before me, I am of the view that this Court can consider the modification or continuance of the order of arrest only after completion of the pleadings in this Application. Accordingly, the 1<sup>st</sup> respondent is directed to file its Counter Affidavit with supporting documents within two weeks from today and the Applicant is directed to file Rejoinder, if any, within a further period of one

week, in order to enable this Court to dispose of this Application finally.

6. This Application is posted to 06.08.2025 for hearing.
7. Till 06.08.2025, the order of arrest passed on 07.07.2025 shall remain in force.

Sd/-

**M.A.ABDUL HAKHIM  
JUDGE**

jma



**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM**

Tuesday, the 11<sup>th</sup> day of November 2025 / 20th Karthika, 1947  
IA.NO.10/2025 IN ADML.S. NO. 12 OF 2025 J

**APPLICANT/DEFENDANT NO.2:-**

MEDITERRANEAN SHIPPING CO. S.A (MSC), REPRESENTED AS OWNER/DEMISE  
CHARTERER/MANAGER AND OPERATOR OF THE VESSEL, MSC ELSA 3, HAVING ITS  
OFFICE ADDRESS AT SA CHEMIN RIEU, 12-14, 1208, GENEVA, SWITZERLAND.

**RESPONDENTS/PLAINTIFF & RESPONDENTS 1, 3-5:-**

1. STATE OF KERALA, REPRESENTED BY ITS SPECIAL SECRETARY, ENVIRONMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
2. M V MSC AKITETA II (IMO NO. 9220847) (AND HER OWNERS AND ALL OTHER PERSONS CONCERNED AND ALL OTHER PERSONS CONCERNED AND/OR INTERESTED IN HER) A VESSEL REGISTERED IN LIBERIA, TOGETHER WITH HER HULL, TACKLE, ENGINES, GEARS, PLANT, MACHINERY, ARTICLES, THINGS, APPAREL, EQUIPMENT, PARAPHERNALIA, AND ALL OTHER APPURTENANCES, PRESENTLY AT THE PORT AND HARBOUR OF ADANI PORT, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT.
3. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER, MR. JACOB GEORGE, MSC HOUSE, ANDHERI – KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA, PIN - 400059.
4. MSC AGENCY INDIA PRIVATE LIMITED, 146, PALAYAMKOTTAI ROAD, 1ST FLOOR, MANICKAM TOWER, TUTICORIN, INDIA, PIN - 628003.
5. ADANI VIZHINJAM PORT PRIVATE LIMITED, PORT OPERATION BUILDING, MULLOOR, THIRUVANANTHAPURAM, KERALA, INDIA, PIN - 695521.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to (i) allow the Applicant to furnish security on a without prejudice basis, by way of a Bank Guarantee for a sum of INR 1227,62,00,000/- (Indian Rupees One Thousand Two Hundred and Twenty Seven Crore and Sixty Two Lakh) to be issued by Kotak Mahindra Bank Limited in the instant proceedings, and (ii) to pass appropriate order releasing the 1st Defendant Vessel from order of arrest dated 7th July, 2025 which was modified by order dated 25th September, 2025, on the satisfactory submission of the Bank Guarantee.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, in pursuance of order dated 07.07.2025 & 25.09.2025 in IA 1/2025, and upon hearing the arguments of M/s. PRASANTH S. PRATHAP (Sr), PRANOY K. KOTTARAM, SIVARAMAN P.L, ATHUL BABU, AMITAVA MAJUMDAR, ASHUTOSH TIWARI, GOENKA RUCHIR BIKAS CHANDRA, Advocates for the Applicant/D2, R2/D1, R3/D3 & R4/D4 and of SRI. K.GOPALAKRISHNA KURUP (ADVOCATE GENERAL), PARVATHY KOTTOL, GOVERNMENT PLEADER, FOR R1/P1, M/s.ROSHEN.D.ALEXANDER, TINA ALEX THOMAS, HARIMOHAN, KOCHURANI JAMES, Advocates for R5/D5, the court passed the following.

**I.A.No.10 of 2025**  
**in**  
**Adml.S.No.12 of 2025**

1

**M.A.ABDUL HAKHIM, J.**  
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**Adml.S.No.12 of 2025**  
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**Dated this the 11<sup>th</sup> day of November, 2025**

**ORDER**

**I.A. No.10 of 2025**

1. This is an Application filed by the Defendant No.2 to permit the Defendant No.2 to furnish security for INR 1227.62 Crores as ordered in the Order dated 25.09.2025 in I.A. No.1/2025 with the Bank Guarantee provided by the Kotak Mahindra Bank Limited to release the Defendant No.1 Vessel from arrest.
2. The learned Senior Government Pleader submitted that if the defendants deposit the said amount, the same would be transferred to an interest-bearing account and in such case, the interest of the Plaintiff/State would be sufficiently protected as the Plaintiff would be benefited by the accrual of interest, whereas, if a Bank Guarantee is given, the interest will not be there and the Plaintiff would be prejudiced.
3. I find from the Order dated 25.09.2025 in I.A. No.1/2025 that this Court ordered that the arrest of

**I.A.No.10 of 2025**  
**in**  
**Adml.S.No.12 of 2025**

2

Defendant No.1 shall remain until INR.1227.62 Crores is deposited or until security for the said amount is furnished by Defendant No.1 to the satisfaction of this Court. Hence, as per the said Order, the liability of the defendants is either to deposit the said amount or to furnish security for the said amount. The Plaintiff cannot insist that Defendant No.2 shall only deposit the amount, and they cannot furnish security by way of bank guarantee.

4. Accordingly, this Application is allowed, permitting Defendant No.2 to produce Bank Guarantee for INR 1227.62 Crores issued by the Kotak Mahindra Bank Limited before this Court in order to release Defendant No.1 Vessel from arrest.
5. If Bank Guarantee for INR 1227.62 Crores issued by the Kotak Mahindra Bank Limited is produced by the Defendant No.2 in this Court, the arrest of Defendant No.1 will be released without any further Order from this Court. It is made clear that the security furnished by the Defendants shall be without prejudice to their contentions in the suit.

**I.A.No.10 of 2025  
in  
Adml.S.No.12 of 2025**

3

**Adml.S.No.12 of 2025:**

Post on 15.12.2025.

**Sd/-**

**M.A.ABDUL HAKHIM**

**JUDGE**

**Shg/**



**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM**

**Thursday, the 4<sup>th</sup> day of December 2025 / 13<sup>th</sup> Agrahayana, 1947  
IA.NO.11/2025 IN ADML.S. NO. 12 OF 2025 J**

**APPLICANT/DEFENDANT NO.2:-**

**MEDITERRANEAN SHIPPING CO. S.A (MSC), REPRESENTED AS OWNER/DEMISE  
CHARTERER/MANAGER AND OPERATOR OF THE VESSEL, MSC ELSA 3, HAVING ITS  
OFFICE ADDRESS AT SA CHEMIN RIEU, 12-14, 1208, GENEVA, SWITZERLAND.**

**RESPONDENTS/PLAINTIFF & RESPONDENTS 1,3-5:-**

- 1. STATE OF KERALA, REPRESENTED BY ITS SPECIAL SECRETARY, ENVIRONMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.**
- 2. M V MSC AKITETA II (IMO NO. 9220847) (AND HER OWNERS AND ALL OTHER PERSONS CONCERNED AND ALL OTHER PERSONS CONCERNED AND/OR INTERESTED IN HER) A VESSEL REGISTERED IN LIBERIA, TOGETHER WITH HER HULL, TACKLE, ENGINES, GEARS, PLANT, MACHINERY, ARTICLES, THINGS, APPAREL, EQUIPMENT, PARAPHERNALIA, AND ALL OTHER APPURTENANCES, PRESENTLY AT THE PORT AND HARBOUR OF ADANI PORT, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT.**
- 3. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER, MR. JACOB GEORGE, MSC HOUSE, ANDHERI – KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA, PIN - 400059.**
- 4. MSC AGENCY INDIA PRIVATE LIMITED, 146, PALAYAMKOTTAI ROAD, 1ST FLOOR, MANICKAM TOWER, TUTICORIN, INDIA, PIN - 628003.**
- 5. ADANI VIZHINJAM PORT PRIVATE LIMITED, PORT OPERATION BUILDING, MULLOOR, THIRUVANANTHAPURAM, KERALA, INDIA, PIN - 695521.**

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to (i) modify the order dated 11.11.2025 and allow the Applicant to furnish security by way of a Bank Guarantee for a sum of INR 1227,62,00,000/- (Indian Rupees One Thousand Two Hundred and Twenty Seven Crore and Sixty Two Lakh ) to be issued by Standard Chartered Bank instead of Kotak Mahindra Bank Limited in the instant proceedings, on a without prejudice to their rights and contentions, including but not limited to, filing an appropriate application for the further reduction of security and/or appeal the order dated 25th September 2025 and/or pursue any other legal remedy available to the Applicant and/or the Defendant Vessel and (ii) to pass appropriate order releasing the Defendant Vessel from order of arrest dated 7th July, 2025 which was modified by order dated 25th September, 2025, on the satisfactory submission of the Bank Guarantee.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and this courts order dated 11.11.2025 in IA 10/2025, and upon hearing the arguments of M/S. PRANOY K. KOTTARAM, PRASANTH S. PRATHAP (SENIOR ADVOCATE), ATHUL BABU, AMITAVA MAJUMDAR, GOENKA RUCHIR BIKAS CHANDRA, ASHUTOSH TIWARI, SIVARAMAN P.L, Advocates for the petitioner and R2 TO R4., M/S. GOPALAKRISHNA KURUP, (ADVOCATE GENERAL), SMT. PARVATHY KOTTOL, FOR R1, M/S. ROSHEN.D.ALEXANDER, TINA ALEX THOMAS, HARIMOHAN, KOCHURANI JAMES, Advocates for the respondent 5, the court passed the following:



**M.A ABDUL HAKHIM, J.**

.....  
**Adml.S. No.12 of 2025**  
.....

**Dated this the 4<sup>th</sup> day of December, 2025**

**ORDER**

**IA. No.11/2025**

This is an application filed by the Defendant No.2 to permit the Defendant No.2 to furnish Bank Guarantee as directed in the Order dated 11.11.2025 by the Standard Chartered Bank instead of the Kotak Mahindra Bank Ltd. ordered in the said Order. In view of the reasons stated in the affidavit, the applicant/Defendant No.2 is permitted to provide Bank Guarantee for INR 1227,62,00,000/- (Indian Rupees One Thousand Two Hundred and Twenty Seven Crore and Sixty Two Lakhs) by the Standard Chartered Bank for the release of Defendant No.1 Vessel from arrest, subject to the same conditions mentioned in the said Order.

Post on 13.02.2026.

**Sd/-**  
**M.A ABDUL HAKHIM**  
**JUDGE**

Cak

BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)

Original Application No. 97 of  
2025(SZ)

**IN THE MATTER OF:**

Tribunal on its own motion  
SUO MOTU based on the News Item in  
'The Hindu' Newspaper Edition dt:  
10.06.2025,  
"Container Vessel on fire off Kerala  
Coast".

And  
Ministry of Ports, Shipping and  
Waterways and Ors.  
...Respondent(s)

**COMPILATION OF ORDERS BEFORE**  
**KERALA HIGH COURT IN**  
**WRIT PETITIONS/7<sup>TH</sup> RESPONDENT**

**E.K. KUMARESAN,**  
Standing Counsel for Government  
of kerala

No.6, Indian Chambers (SICCI)  
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