

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
Original Application No. 210 of 2025 (SZ)

SALIQ -

iby

Tribunal on its own motion SUO MOTU based on the
News item published in The New Indian Express,
dated 18.09.2025, titled "Three Men asphyxiated
to death while fixing leak in the barge tank in Thoothukudi

.....Applicant

Vs.

1. Ministry of Ports, Shipping and Waterways,
Rep. by its Secretary, Parivahan Bhavan,
No.1, Parliament Street, New Delhi - 110001,

2. The Shipping Corporation of India Ltd
Rep. by its Chairman & Managing Director,
Shipping House,
245 Madame Cama Road, Mumbai - 400021,

3. Indian Ports Association
Rep. by its Managing Director,
1st Floor, South Tower, NBCC Place,
Bhisham Pitamah Marg,
Lodhi Road, New Delhi - 110001,

4. Ballast Water Management Officer,
The Shipping Corporation of India Ltd,
Shipping House,
245 Madame Cama Road, Mumbai - 400021,

5. Tamilnadu Maritime Board,
Rep by its Chief Executive Officer,
171 South Kesavaperumalpuram,
Off Greenways Road, Raja Annamalai puram,
Chennai - 600028.

6. V O Chidambaranar Port Authority,
Rep. by its Chairperson,
Administrative Office Building,
Harbor Estate, Tuticorin - 628004.

7. District Collector
1st Floor, Collector Office,
Thoothukudi - 628101.

Solemnly affirmed and signed
before me at Tuticorin on

[Handwritten Signature]
03/02/2026

[Handwritten Signature]
03/02/2026
Capt. Paul Nadar Bennet Singh
Harbour Master & Asst. PFSO
Pollution Control Cell i/c
Marine Department
V.O.Chidambaranar Port Authority

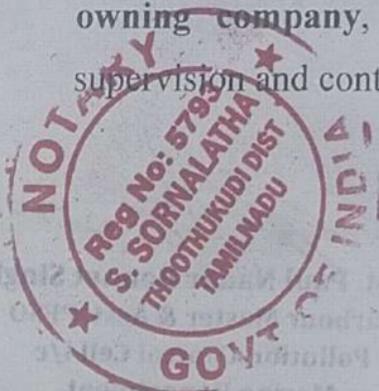
.....Respondents

FIRST REPORT FILED ON BEHALF OF THE 6th RESPONDENT

I, Capt. P Bennet Singh, son of Late Mr. A Paul Nadar, aged about 51 years, officiating as Harbour Master in the VO Chidambaranar Port Authority, Thootukudi, signing on behalf of the Deputy Conservator, do solemnly affirm and sincerely state as follows:

I humbly submit that I am presently working as Deputy Conservator at VO Chidambaranar Port Authority and hence I am acquainted with the facts and circumstances of the case from the available records. I am filing this report on behalf of VO Chidambaranar Port Authority

1. This report is respectfully submitted on behalf of V.O. Chidambaranar Port Authority (hereinafter referred to as "VOC Port") pursuant to the directions of this Hon'ble Tribunal in connection with the unfortunate incident that occurred onboard the barge *Mutha Crown* on 17.09.2025 at Tuticorin Port.
2. It is submitted that the Tug *Mutha Ruby*, registered in Portsmouth under the Dominica flag, along with the barge *Mutha Crown*, registered under the Singapore flag, arrived at Tuticorin Port on **16.09.2025 at 04:00 hrs** and berthed at **Zone B at 09:30 hrs**. The tug had **11 crew members**, including the Master and Chief Engineer (Indonesian nationals) and other Indian crew members. During voyage from Maldives, the barge reportedly developed a **0.5-degree list**, which had been communicated by the crew to their company's technical superintendent.
3. It is further submitted that on **17.09.2025 at approximately 08:00 hrs**, the Chief Officer instructed the Bosun only to open the manhole of the ballast tank. No permission was granted for entry into the ballast tank. Later in the day, three crew members were found missing namely 1. Mr. Jeniston Thomas – Bosun, 2. Mr. Sharon George – Ordinary Seaman and Mr. Sandeep Kumar – Able-Bodied Seaman. It is understood that the Bosun entered the ballast tank first and collapsed due to oxygen deficiency. The other two crew members subsequently entered in an attempt to rescue him and also succumbed inside the tank. All three were **crew employed by the ship-owning company**, and not by the Port Authority. They were under the direct supervision and control of the vessel's command structure at the time of the incident.



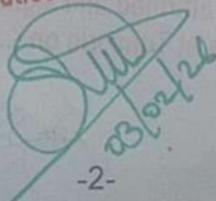
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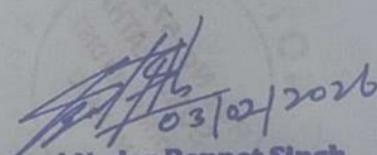
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03/02/2026

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Harbour Master & Asst. PFSO
Pollution Control Cell i/c
Marine Department
V.O.Chidambaranar Port Authority

4. It is stated that during cargo operations prior to arrival, the crew noticed a **list on the starboard side** and identified a defect in the starboard ballast tank. This issue was reportedly communicated to the shipping company by the crew. Such structural or ballast system defects fall strictly under **shipowner and vessel management responsibility**. After cargo discharge at Tuticorin, the crew used **portable/submersible pumps** to drain ballast water. Later, they identified a damaged portion in one compartment of the ballast tank. The deceased crew members reportedly attempted to carry **sealant material** to repair the internal defect. This activity constitutes internal structural repair of the vessel, which was not informed to the Port and was not supervised by the Port. It Falls completely under shipboard operational control.
5. It is submitted that at **15:10 hrs**, the Port received a distress call from the Chief Officer reporting three crew members trapped inside the ballast tank. Immediately upon receiving the distress message, Port Fire Services (PFS) were immediately mobilized, and rescue personnel equipped with Self-Contained Breathing Apparatus (SCBA) promptly reached the barge. Attempts were made to communicate with the trapped crew members; however, no response was received. Owing to the extremely small size of the manhole opening, rescue operations proved to be technically difficult. Consequently, an alternate opening had to be created to facilitate safe entry of rescue personnel wearing SCBA equipment. Tamil Nadu Fire & Rescue Services, Police, and Ambulance teams also arrived. The three individuals were retrieved and sent to Government Hospital, Tuticorin, where they were declared dead. VOC Port acted **promptly and diligently** within its emergency response capacity.
6. It is further stated that the barge *Mutha Crown* is a **non-self-propelled floating platform** used for transportation of cargo and is navigated only with the assistance of a tug. Such barges do not fall under the operational control of the Port Authority with respect to **onboard maintenance, repairs, or crew activities**. Ballast tanks are integral parts of vessel stability systems and are **shipboard machinery spaces** under the exclusive management of the vessel's Master, Chief Officer, and the ship-owning company. The incident occurred during shipboard ballast tank operations and attempted repair of a hull breach, which are Internal vessel maintenance activities conducted solely by ship crew and it is outside the jurisdiction or operational involvement of the Port Authority. The Port neither instructed nor supervised the ballast tank operations.

Solemnly affirmed and signed
before me at Tuticorin on


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Capt. Paul Nadar Bennet Singh
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Marine Department
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7. An official inquiry was conducted on **18.09.2025** with the Tug Master and Chief Officer. They stated that no authorization was given for ballast tank entry and no enclosed space entry permit was issued. The vessel usually used portable pumps and did not require man entry into tanks and that structural issue had been reported to the company earlier. Thus, the accident occurred due to unauthorized and unsafe entry into a confined space by ship crew, in violation of mandatory maritime safety protocols.

8. The Port Authority did not order or supervise the repair work and did not direct crew to enter the tank. The Port Authority had no contractual or employment relationship with the deceased and has no statutory authority over onboard ship maintenance operations. Therefore, no causal connection or operational nexus exists between the Port Authority and the accident.

9. At the outset, it is respectfully submitted that the present incident pertains to a **maritime casualty resulting in loss of life onboard a vessel**, and does not involve any issue of environmental degradation, pollution, or ecological damage. Therefore, the maintainability of the present proceedings before this Hon'ble Tribunal is respectfully questioned.

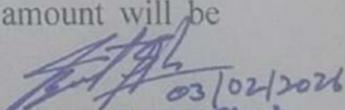
10. It is further stated that under **Section 14 of the National Green Tribunal Act, 2010**, the jurisdiction of this Hon'ble Tribunal is confined to civil cases involving a **substantial question relating to the environment** arising out of the implementation of enactments specified in **Schedule I** of the Act. The present incident does **not arise under any of the above environmental enactments**, nor does it involve pollution, discharge, contamination, or ecological impact.

11. It is respectfully submitted that no oil spill occurred and there was no hazardous substance was released during the incident. There was also no discharge that entered port waters and no marine or coastal pollution was caused. The entire incident occurred **within a closed ballast tank** of the vessel. Therefore, no "substantial question relating to the environment" arises for consideration under the NGT Act.

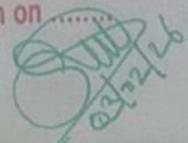
12. It is respectfully submitted that M/s. Mohan Mutha Infra Private Limited via mail dated 03.02.2026, had informed that the compensation to the seafarers, due to death and disability clause as per Part II Clause 14 of the Seafarers Employment Agreement signed by the deceased, the P&I cover value of USD 54,900 per crew members has been sanctioned by the P&I Club and the same has been settled and the amount will be disbursed to the next kin in due course, tentatively within 7-10 days.

Solemnly affirmed and signed
before me at Tuticorin on

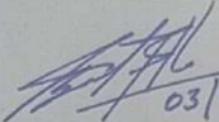
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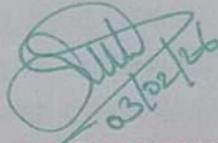

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13. It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to accept this status report filed on behalf of VO Chidambaranar Port Authority, record the same, and be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.


03/02/2026
Capt. Paul Nadar Bennet Singh
Harbour Master & Asst. PFSO
Pollution Control Cell i/c
Marine Department
V.O. Chidambaranar Port Authority

Solemnly affirmed at Thootukudi
On this the 03rd day of February, 2026
And signed his name in my presence.

Advocate, Thootukudi


03/02/26

S. SORNALATHA M.A., M.L.,
Advocate & Notary Public
MS No: 995/94
No: 1, First Street,
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Mob: 9443204342

