

**BEFROE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

O.A NO. 270 OF 2025

IN THE MATTER OF:

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

VERSUS

Member Secretary,
Kerala State Pollution Control Board & Ors. RESPONDENTS

INDEX

S.NO.	PARTICULARS	PAGE NOS.
1.	REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4, i.e., MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE	1-3
2.	ANNEXURE R/1: COPY OF THE CONSTITUTION ORDER OF THE COMMITTEE DATED 27.05.2025	4-5
3.	ANNEXURE R2: COPY OF LETTER DATED 15.07.2025 ISSUED BY MOEFCC	6
4.	BTF	7

Srishti

NEW DELHI
DATED: 30.07.2024

Filed by: - Srishti Govil
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B-11, LGF, Kailash Colony, New Delhi-110048
[govil.srishti@gmail.com]
9818061135.

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No. 270/2025**

IN THE MATTER OF:

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

Versus

Member Secretary, Kerala State Pollution Control Board & Ors. Respondent(s)

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.4 i.e., MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

I Amit Raj aged about, 45 years, S/o Sh. Virendra Singh, working as 'Director' in the Ministry of Environment, Forest and Climate Change having office at Jor Bagh, New Delhi-110003, do hereby solemnly affirm and state as under: -

1. That I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Affidavit.
2. That, the Ministry of Environment, Forest and Climate Change (hereinafter referred to as '**answering respondent**') are filing an affidavit at this stage and it craves leave and liberty to file any further Affidavit to the aforesaid application, as and when required.

That present Suo-Moto action taken by the Hon'ble National Green Tribunal sinking of Liberian-flagged container ship, MSC ELSA 3 off the Kochi Coast, drifting towards the entire coastal stretch of alappuzha district and parts of Kollam, The ship was carrying 640 containers including 13 with hazardous cargo and 12 containing calcium carbide.

4. At the outset, it is submitted that Indian Coast Guard has been assigned the responsibility of containing oil spills and preventing their spread towards the coastline, in accordance with the Allocation of Business Rules, 1961. The Coast Guard's role includes: (a) surveillance of maritime zones against oil spills; (b) combating oil spills in various maritime zones, except in the waters of ports and areas within 500 metres of offshore exploration and

Amit Raj



production platforms, coastal refineries, and associated facilities such as Single Buoy Mooring (SBM), Crude Oil Terminals (COT), and pipelines; (c) Central Coordinating Agency for combating oil pollution in the coastal and marine environment; (d) implementing the National Oil Spill Disaster Contingency Plan (NOS-DCP); and (e) undertaking oil spill prevention and control activities, including inspection of ships and offshore platforms, except within port limits as regulated under the Merchant Shipping Act, 1958.

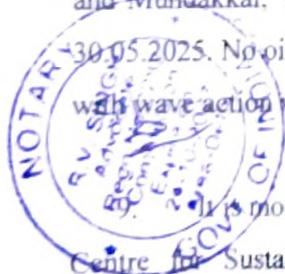
5. It is further submitted that National Disaster Management Authority (NDMA) vide communication dated 24.05.2025 informed about the incident reported in Arabian Sea off Kerala Coast. As per information, a vessel Motor Tanker MSC ELSA 3 (Liberian Flag) reportedly developed a 26-Degree tilt to port and is adrift and not under command at approx. 38 nautical miles southwest of Kochi. The vessel was enroute to Kochi from Vizhinjam, Kerala.

6. That, the answering respondent vide communication dated 26.05.2025 directed Central Pollution Control Board (CPCB) to take necessary action and provide a preliminary and action taken report. Pursuant to which, CPCB constituted a committee to take stock of the situation of the incident of sinking of MSC ELSA 3, to provide technical guidance from the environmental point of view and; suggest remedial measures.

7. The Composition of the committee is as follows: (i) Representative from CPCB, (ii) National Centre for Sustainable Coastal Management (NCSCM), (iii) Regional Director CPCB Chennai and Bangalore and (iv) Representative of State Pollution Control Board. Copy of order of constitution of committee is annexed herein as **Annexure R/1**.

8. That, the aforesaid team visited the sites i.e., Thumba Beach (Thiruvananthapuram), and Mundakkal, Vedikunnu, and Shakthikulangara Beaches (Kollam) during 28.05.2025 to 30.05.2025. No oil spill or fish mortality was reported. However, deposition of plastic nurdles with wave action was observed.

It is moreover submitted that the answering respondent has also requested National Centre for Sustainable Coastal Management (NCSCM), Tamil Nadu to undertake a comprehensive Environment Impact Assessment in coordination with State Government of



And

Kerala for MSC ELSA 3 incident. Copy of letter dated 15.07.2025 is annexed herein as Annexure R/2.

10. That in view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to pass such other order and further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

Amit Raj

DEPONENT

(अमित राज)
(AMIT RAJ)

निदेशक, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

Verified at _____ on this day of **29 JUL 2025** that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

Amit Raj

DEPONENT

(अमित राज)
(AMIT RAJ)

निदेशक, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

I identified the deponent/executant who has signed it in my presence



solemnly affirmed before me, read over & explained to the deponent

[Signature]
Notary Public. **DR. B. S. SINGH**

29 JUL 2025



458

Annexure R1

4

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

CP-14/16/2025-IPC-I-HO-CPCB-HO
Central Pollution Control Board
IPC-I

Parivesh Bhawan,
East Arjun Nagar, Delhi-110032
Dated May 27, 2025

Constitution Order

Subject: Constitution of Committee w.r.t Sinking of MSC ELSA III (IMO no – 9123221, Flag Liberia) 13 nm South West of Koch- reg.

1. In pursuance of the instructions of Ministry of Environment, Forest and Climate Change, vide email dt. 26.05.2025 a Committee is hereby constituted to take stock of the situation of the incident of sinking of MSC ELSA III (IMO no – 9123221, Flag Liberia) 13 nm South West of Koch and provide technical guidance from the environmental point of view and suggest remedial measures.

2. The composition of the Committee shall be as follows:

S. No.	Committee Members
1.	Representative from CPCB, Delhi
2.	Representative from the National Centre for Sustainable Coastal Management (NCSCM)
3.	Regional Director, CPCB Chennai
4.	Regional Director, CPCB Bangalore
5.	Representative of the State Pollution Control Board, Kerala - Nodal officer/ Member Secretary

3. The Committee may co-opt any other member if it so desires.

4. The Terms of Reference of the team is to:

- Provide Technical guidance from the environmental point of view
- Take stock of the situation and suggest remedial measures

5. The Kerala State Pollution Control Board Nodal officer/Member Secretary of the Committee, shall coordinate the inspection/ monitoring and submission of the report as early as possible.

This issues with the approval of the Competent Authority.

h08/27/5/2025
(Nazimuddin)

Scientist 'F', DH-IPC-I Division

To:

All Committee Members (As per the list attached)

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

List of Committee members

S. No.	Committee Members	Contacts	
		Phone no.	Email IDs
1.	Representative from CPCB, Delhi	011-43102417 9999976261	mpankaj.cpcb@nic.in
2.	Representative from National Centre for Sustainable Coastal Management (NCSCM)	[91]-44-22200600 / 22200900	techsupport@ncscm.res.in
3.	Regional Director, CPCB Chennai		vlaxmi.cpcb@nic.in
4.	Regional Director, CPCB Bangalore	23233827	icb.cpcb@nic.in
5.	Representative of State Pollution Control Board, Kerala - Member Secretary	0471 - 2318151	ms.kspcb@gov.in

IA-J-11013/49/2025-IA-GC
 Government of India
 Ministry of Environment, Forest and Climate Change (Impact
 Assessment Division)

Indira Paryavaran Bhawan,
 Jor Bag Road, Aliganj,
 New Delhi-110003
 Dated: 15th July, 2025

To

The Scientist G
 National Centre for Sustainable Coastal Management
 Ministry of Environment, Forest and Climate Change
 Anna University Campus, Chennai - 600025, Tamil Nadu
 Email: director@ncscm.res.in

**Sub: Request for Environmental Impact Assessment- MSC ELSA III
 Incident off the Kerala Coast- reg.**

Madam,

This Ministry has received communications from the Chief Secretary, Government of Kerala regarding the sinking of MSC ELSA III (IMO No. 9123221) on 25th May 2025, approximately 13 nautical miles southwest of Kochi.

2. The incident has raised serious concerns regarding potential oil spill, hazardous cargo, and plastic nurdle dispersal, impacting marine ecosystems and coastal livelihoods.
3. In view of the above, NCSCM is requested to undertake a comprehensive Environmental Impact Assessment (EIA) in coordination with State Government of Kerala, in accordance with Clause 3.3.5 of the National Oil Spill Disaster Contingency Plan (NOS-DCP).
4. This issues with the approval of the Competent Authority.

Yours faithfully

Encl: As above


 A K Agarwal
 Director

Copy to:

1. Chief Secretary, Government of Kerala, Thiruvananthapuram- for information please.
2. PPS to AS (AG)
3. PPS to JS (RA)
4. PPS to JS (NKS) with a request to further coordinate with NCSCM and State Government of Kerala, in accordance with Clause 3.3.5 of the National Oil Spill Disaster Contingency Plan (NOS-DCP).

Office of the Director (AR)
 Dy. No. 15.21027.....
 Date 21/7/2025.....

AS
 12/7/25
 Br. (AR)
 21/7/25
 SC/E (AR)
 21/7/25
 PSo (H.M.D.)

461

Government of India
Ministry of Environment, Forest and Climate Change
Legal Monitoring Cell

Date: 28/07/2025

Subject: Engagement of Panel Counsel

Ref.: -Request from division on mail dated 25/07/2025 at 5:42 PM

Respected Ma'am,

Ms. Srishti Govil

Enrolment No.-D/1465/2012 dated 17/08/2012

Residence Address:- KA-50, Kavi Nagar, Ghaziabad, UP.

Office Address:- B-11, LGF, Kailash Colony, New Delhi-110048

Mobile No.- 9818061135, 9873333064

Email Id- govil.srishti@gmail.com/ pranavjain.dv@gmail.com

You are engaged to appear and conduct the case mentioned below for all purposes on behalf of this Ministry till the disposal of the case or expiry of your term of engagement or until further orders, whichever is earlier.

2. Details of the case are as follows:-

Court: **NGT (PB), New Delhi**

Case No.: **OA No. 270/2025**

Title of the Case: **News item titled "Containers from sunken ship likey to drift towards Alappuzha, Kollam Coasts in 48 hours: INCOIS" appearing in The Hindu dated 25.05.2025**

Concerned Division of the Ministry: **HSMD**

Name and contact of the Divisional Head: **AS (NPG) & 011-20819247**

Email ID: **asnpg.mefcc@gov.in**

Name and contact of the dealing Associate (Legal): **Mr. Aman Kohli & Ms. Neha Patankar**

Ph. No. **9953813739 & 7057448548**

Email ID: **amankohli185@gmail.com & nehapatankarenv@gmail.com**

Next Date of hearing: **30.07.2025**

3. **This engagement is subject to the following conditions:-**

- i. The engagement is governed by **O.M. No. 17(21)/2020-PL/NGT Dated 22.08.2022, 02.03.2023, 21.03.2025** and O.M. No. 17(21)/2017-PL/NGT on dated 01.12.2017, 07/02/2019, 04/05/2020 and 05.05.2025. Policy and Law Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi read with relevant circulars/instructions issued by this Ministry from time to time.
- ii. In case you are unable to attend the case for some reason, sufficient advance intimation should be given to the concerned Division.
- iii. To return the brief on expiry of your term/disposal of the case to the Ministry of Environment, Forest and Climate Change, or till further orders.
- iv. To intimate the Ministry the progress of the case regularly including obtaining and forwarding certified copy of the Order/Judgement to the concerned Division whenever necessary.
- v. To appear on behalf of this Ministry in person, and **not through a junior counsel** in the matters marked to you.
- vi. The engagement is acknowledged.


(Legal Monitoring Cell)
MoEF&CC, New Delhi

स्मिता सालवे/Smita H. Salve
सिनिऑर कंसल्टन्ट लीगल
Senior Consultant Legal
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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