

Next Hearing Date: 31-10-2025

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL

BENCH, NEW DELHI

Original Application 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..

.... Petitioner

VS

SL NO.	PARTICULARS	PAGE NOS.
1.	Report in OA 270/2025 regarding MSC Elsa 3 shipwreck incident filed by the respondent (STATE OF KERALA)	1- 5
2.	Vakalatnama	6

**MR. NISHE RAJEN SHONKER.
ADVOCATE FOR THE RESPONDENT
STATE OF KERALA**

CHAMBER NO. 317, C.K.DAPHTARY BLOCK,
SUPREME COUR OF INDIA NEW DELHI-110001,
MOB: 9811342057, Email Id: nrshonker@gmail.com

Filed on: 07.10.2025

**Report in OA 270/2025 regarding MSC Elsa 3 shipwreck
incident**

This report provides a detailed chronological analysis of the sinking of the MSC Elsa 3 off the Kerala coast in May 2025.

1. Vessel Background and Incident Status

The MSC Elsa 3 was a Liberian-flagged container ship built in 1997, owned and commercially operated by Mediterranean Shipping Company (MSC). On May 23, 2025, the MSC Elsa 3 departed from Vizhinjam Seaport, bound for Kochi Port. The vessel carried a total of 643 containers, comprising 296 containers on deck and 347 in the cargo hold. Among these were 13 containers classified as hazardous materials under International Maritime Dangerous Goods (IMDG) Code Classes 4.3 and 9. Additionally, 68 containers carried plastic products including 'plastic nurdles, totaling approximately 1981 metric tonnes. The vessel also carried substantial fuel supplies: approximately 367 tonnes of Very Low Sulfur Fuel Oil (VLSFO) and 64 tonnes of diesel oil. At approximately 13:00 hours IST on May 24, 2025, while transiting approximately 38 nautical miles south west of Kochi, the MSC Elsa 3 developed a severe starboard list and a distress call made. The Indian Coast Guard responded immediately to the distress call, launching a comprehensive search and rescue operation. By May 25, all the crew members had been successfully evacuated by the Indian Coast Guard.

1.1. The Sinking and Immediate Aftermath

At approximately 07:50 hours IST on May 25, 2025, the MSC Elsa 3 capsized and sank at position 09°18.50'N, 76°07'58.967'E, approximately 13 nautical miles from the Thottappally spill way on

Sing..

the Kerala coast (Beyond the territorial limit-12nM). The deck containers were reported adrift in surrounding waters, while containers in the cargo hold submerged with the vessel. Within hours of the vessel's submergence, Indian Coast Guard surveillance aircraft detected an oil slick at the site. The immediate concern centered on the potential release of the vessel's substantial fuel load and hazardous cargo into the sensitive marine environment.

2. Emergency Response and State Actions

The Kerala State Disaster Management Authority (KSDMA) issued immediate public warnings and advisories. Fishing within a 20 nautical mile radius of the sunken vessel was prohibited, and a state wide alert was declared considering the potential for oil pollution to reach any part of Kerala's coastline. On May 29, 2025, the Kerala government formally declared the incident a "State Disaster" vide Government Order G.O.(Ms) No. 11/2025/DMD, recognizing its potentially serious environmental, social, and economic impact.

3. Environmental Impact and Pollution Crisis

3.1. The Nurdle Pollution

The Cargo Manifest indicated that approximately 68 containers on board the Vessel contained Plastic materials, including plastic products, packaging materials and plastic pellets (Nurdles). The most visible and persistent environmental impact came from plastic nurdles— small plastic pellets used in manufacturing—that began washing ashore on May 27, 2025. Plastic pellets (also known as nurdles) are small plastic granules that are widely used as a raw material in the creation of plastic products. When plastic pellets are released into the marine environment, they can cause environmental

Singh..

damage, including impacts on fishing, aqua culture and tourism. The environmental implications of nurdle contamination are severe and long-lasting. Nurdles can fragment into microplastics when exposed to prolonged immersion in seawater, potentially being ingested by marine flora and fauna. The scale of nurdle contamination was unprecedented and spread rapidly beyond Kerala's borders.

3.2. Oil Pollution and Hazardous Materials

An oil slick was visible over the area where the container ship sank, and multiple containers were adrift in the water. The Indian Coast Guard deployed pollution control vessels and aircraft equipped with oil spill detection systems to monitor and contain the spill. While the oil spill was contained relatively quickly through coordinated efforts by the Indian Coast Guard and Navy, concerns remained about submerged containers carrying hazardous materials. The containers with hazardous cargo, particularly those containing calcium carbide—a chemical that reacts violently with water to produce flammable acetylene gas—posed ongoing risks.

3.3. Impact on Marine Organisms

Since on 25.05.2025, six marine mammal carcasses five dolphins and one whale have washed ashore on the Alappuzha coast. On 26.06.2025, carcass of two dolphins was ashore at Azheekode Munakkal Beach, Thrissur District.

4. Economic Impact and Livelihood Disruption

4.1. Fishing Sector

The incident severely impacted Kerala's fishing industry, affecting over 160,000 fishermen and allied workers across four districts. The 20 nautical mile fishing ban remained in effect for weeks, preventing

sig. .

accordance with the law—as well as coordination with various scientific and research institutions/experts for such studies, shall be trusted to the Environment Department. The Kerala State Pollution Control Board (KSPCB) was authorized to engage the National Institute of Oceanography (NIO), Kochi to conduct the Environmental Damage Assessment and along-term study to evaluate the extent of environmental damage caused by the shipwreck incident. Accordingly, the KSPCB, in consultation with the Government, has prepared the Terms of Reference (ToR) for the proposed study and awarded the work to NIO.

6. Legal Proceedings and Compensation Claims

The Government of Kerala invoked the polluter-pays principle and the Special Secretary of the Environment Department, Government of Kerala filed an admiralty suit in the High Court of Kerala against MSC, seeking ₹9,531 crore in compensation from the shipping company (MSC). The details of the maritime claims is as follows:

Sl No.	Maritime claim	Amount
1.	Maritime claim arising out of damage caused by the subject vessel to the environment, coastline or related interests of the State of Kerala and compensation for such damage.	Rs.8626.12Crore
2.	Maritime claim arising out of measures taken to prevent, minimize or remove the damage caused by subject Vessel to the environment, coastline or related interests, in the State of Kerala and cost of reasonable measures for	Rs.378.48Crore

Sig..

	restoration of environment.	
3.	Maritime Claim arising out of the economic loss caused to the fisherman of the State of Kerala, pursuant to the damage caused by the Subject Vessel.	Rs.526.51Crore
	Total	Rs.9,531.11Crore

As per the order dated 07/07/2025 in IA.NO.1/2025 IN ADML.S. NO.12 OF 2025 J, the Honourable High Court ordered the arrest of the vessel M.V. MSC Akiteta II, stipulating that the vessel would remain detained until the owner provided security for the ₹9531 crore in compensation sought by the Government. When the case was heard again on July 10, the shipping company's lawyer submitted a counter-affidavit to the court, arguing that the alleged pollution had not occurred and that the State's demand for compensation could not be met. In response, the Special Secretary of the Department of Environment filed a Rejoinder to the Admiralty Suit with the Honourable High Court.

Sarab + 7.

SEERAM SAMBASIVA RAO I A S
SPECIAL SECRETARY
O/O SPECIAL SECRETARY ENVIRONMENT

SEERAM SAMBASIVA RAO IAS
Special Secretary
Environment Department
Govt. of Kerala, Secretariat
Thiruvananthapuram

**BEFORE THE HON'BLE HIGH COURT, NEW DELHI
CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION
ORIGINAL APPLICATION No. 270 OF 2025**

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

..... Petitioner(S) / Appellants

..... Respondent(s)/Opposite Party

State of Kerala

VAKALATNAMA

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

Dated this 10th the day of July 2025

Signature



Sambasivanao
Petitioner/Respondent
SEERAM SAMBASIVANA RAO
Special Secretary
Environment Department
Govt. of Kerala, Secretariat
Thiruvananthapuram

Accepted, Identified Certified & Satisfied:
Sri. Nishe Rajen Shonker, Advocate-on – Record.

Nishe Rajen Shonker

The Address for service of all the said Adocate(s) is:
Sri. Nishe Rajen Shonker, Standing Counsel,
Chamber No. 317, C.K. Daphtary Lawyer's Chambers Block,
Tilak Lane, Opp. Supreme Court of India, New Delhi – 110001,
E-mail: nrshonker@gmail.com



Signature

Petitioner/Respondent/Opposite Party(s)

MEMO OF APPEARANCE

The Registrar,
National Green Tribunal,
New Delhi – 1.

Sir,

Please enter my appearance for the Petitioner(s) Appellants(s) Respondents(s) in the above mentioned petitioner/case/appeal/matter. ✓

New Delhi
Dated: 07.10.2025

Yours faithfully,

Nishe Rajen Shonker

Sri. Nishe Rajen Shonker
Advocate