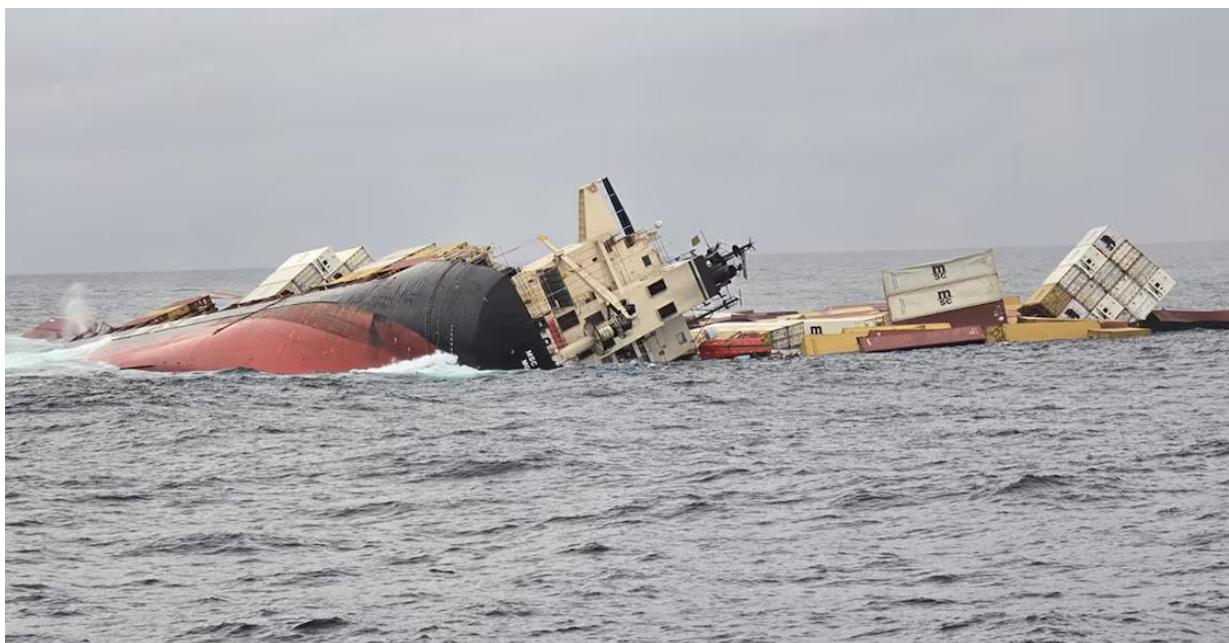


KS11. INVESTIGATION - THE CURIOUS CASE OF MSC ELSA 3

Is there more than what meets the eye??

By Ganesh Vishwanathan

September 10, 2025



On the early morning of May 24, 2025 the 184 meter long, 22994 dwt MSC Elsa 3 (IMO: 9123221), a Liberian flagged container vessel, capsized and sank in the Arabian Sea some 38 nautical miles southwest of Kochi, India. The MSC Elsa 3 departed just a day before from Vizhinjam bound for Kochi with 640 containers when it suffered water ingress along its starboard hull. The flooding could not be controlled, and one or more holds became flooded. The container ship developed a sharp list to starboard. The Vessel would finally roll over on starboard hull and sink.

A large oil slick was visible around the area. Multiple containers were adrift in the waters and she had **25 containers of hazardous cargo including 13 carrying calcium carbide a highly reactive chemical carrying IMDG classification of Class 4.3.** Calcium Carbide reacts violently with water, releasing flammable gases.



The Kerala State Government declared a state specific disaster on 29th May 2025.

The event caused significant environmental damage, with plastic debris and containers washing ashore, affecting livelihoods and posing navigation hazards. A criminal case, under BNS, has been filed in June 2025 against the owner, master, crew acting rash navigation and mishandling of hazardous cargo after mounting pressure from fishing communities and political organizations. Investigations are currently underway to determine negligence and the extent of the environmental impact

By July 1, 2025, 61 containers many of them empty (31), or carrying goods like LDPE, Ship Stock, Polyethylene, Newsprint, Cotton , Rough wood, Sawn Timber, Gauze rolls, Kraft Paper, Chinese Green Tea washed ashore around Kollam, Thiruvananthapuram, Alappuzha. The rest of the containers are suspected to have sunk. What is interesting is that all the containers which floated were empty or contained cargo which helped them float. As per the Cargo Manifest, 643 Containers were loaded at various POR in Middle East, China, USA, Africa.

An interim cash relief of Rs. 1000/-, USD 11.50, were provided to each fishermen family of Ernakulam, Alappuzha, Kollam and 6 kg of rice to each fishermen family who were impacted due to the disaster.

Salvage operations were launched in August after weather conditions became favourable. DG, Shipping said MSC is not the direct owner of the vessel, were chartered for operations by MSC.

By July 2025, Sri Lanka's coastline was facing an environmental crisis as toxic debris from the vessel washed ashore. Thousands of tiny plastic pellets known as nurdles, along with chemical residue and oil, were polluting vast stretches of the island's beaches. Environmentalists warn of severe damage to marine life, coastal ecosystems and local livelihoods.

Sri Lankan authorities have deployed clean-up crews, but concerns remain about the long-term impact and the country's ability to respond to maritime disasters. The incident has reignited memories of Sri Lanka's worst maritime disaster in 2021, when the MV Express Pearl caught fire off the coast.

USD 1.091 Billion Possible Claim on MSC

In late August 2025, the Kerala High Court has permitted the owners of MSC Elsa 3, to publish in newspapers, details of an admiralty suit they had filed to limit the liability for maritime claims that arose from the damage to the environment and other losses following the vessel's sinking. MSC had filed an admiralty suit seeking limitation of liability for compensation claims for pollution, loss of fishermen livelihood and remediation measures. The actual worked out notional claim possibility , as per unverified sources comes to USD 1.091 billion.

The Intrigue

A notice, relating to Admiralty Suit No. 14/2025 was published in Times of India, 10th September 2025. **Please focus on the facts**

Plaintiffs

1. Elsa 3 Maritime Inc – Incorporated in Monrovia, Liberia

- Represented by Mr. Anil Jadhav, 147/51 3rd floor, Room No. 9, 3rd Kumbharwad, Girgaon, Mumbai. (rundown apartment building in Mumbai)

2. Multi Container Management S.A – Incorporated under the laws of Panama

- Represented by Mr. Anil Jadhav, 147/51, 3rd Kumbharwad, Girgaon, Mumbai

3. MSC Mediterranean Shipping Co, S.A.- Incorporated in Switzerland

- Represented by Mr. Jacob George, Karimpilackil House, Kottayam, Kerala.



Kumbharwad Building



Karimpilackil House

Plaintiffs are the

- Owners
- Demise Charterers
- Time Charterers
- Operators

of ELSA 3.

Defendant

All persons claiming or entitled to damages

Cause of Action

Under the Merchant Shipping Act, Plaintiffs have statutory right to limit aggregate liability in respect of all claims by constituting Limitation Fund in Court.

Relief Claimed by MSC– Ratable Distribution of all claims from the amount

Limited to SDR 10,435,912 (Special Drawing Rights), which is equivalent to USD 14.963 million. Hearing on 18th September 2025.

Current Status

Six separate admiralty claims have been filed till date. Under intense pressure, the Kerala High Court have issued interim orders to detain some MSC Cargo Ships which call at Vizhinjam Port. Relative to this case, and earlier in other cases, MSC Makoto II, MSC Palermo, MSC Polo II, MSC Manasa F, MSC Akiteta II..were detained briefly or are still in custody. MSC lawyers are fighting hard to ensure that all claims put together does not exceed USD 14 million. Sri Lanka too are seeking compensation. In some cases, MSC refused to post bond for release of the vessels.

Implications and Questions

1. Maritime safety practices in Indian waters
2. Transportation of hazardous materials
3. Restrictions on fishing activities pursuant to the incident
4. Contamination risks
5. Mis declared or Not Declared hazardous cargo by Shipper
6. Risks associated with ‘flags of convenience’
7. Long term disruption of benthic habitats and marine biodiversity
8. Lack of oil spill contingency plans

Unanswered questions

1. Who are Mr. Jadhav and Mr. George said to be representing the owner, charterer and operator. If you look at their addresses and the locations, we have more questions than answers. Credentials?
2. Who decided and agreed on the SDR based compensation
3. Why the poor compensation to the fishermen
4. Why little traction or “noise” and uncomfortable silence in the media?
5. What subtle pressures are operating in this lawsuit?
6. Indeed, MSC are a very powerful Carrier Owner in commercial shipping..

I will leave it to the audience to ponder over my questions...

Note

This is an onsite investigative report by the writer, for a client affected by the incident. The facts are true and the writing reflects thoughts and questions of the author. Without prejudice. Not to be circulated outside this group.

The author holds advanced qualifications in shipping and logistics and investigation.

BEFORE THE HONORABLE HIGH COURT OF KERALA AT

ERNAKULAM

(ADMIRALTY JURISDICTION)

Admiralty Suit No. 14/2025

PLAINTIFFS

1. ELSA 3 MARITIME INC.

A company incorporated under the laws of Liberia, and having its office at 80 Broad Street, Monrovia, Liberia. Represented by its Power of Attorney holder Anil Shamrao Jadhav, S/o Shamrao Banshi Jadhav, age 41, residing at 147/151, Dr. M. G. Mahimtura Marg, 3rd Kumbharwada, 2 Floor, Room No. 9, Girgaon, Mumbai - 400 004

2. MULTI CONTAINER MANAGEMENT S.A.

A company incorporated under the laws of Panama, and having its office at Edificio PH Torre Panama, 15th Floor Boulevard Costa Del Avenida La Rotonda, Costa Del Este, Panama. Represented by its Power of Attorney holder Anil Shamrao Jadhav, S/o Shamrao Banshi Jadhav, age 41, residing at 147/151, Dr. M. G. Mahimtura Marg, 3rd Kumbharwada, 2 Floor, Room No. 9, Girgaon, Mumbai - 400 004

3. MSC MEDITERRANEAN SHIPPING CO S.A.

A company incorporated under the laws of Switzerland, and having its office at Chemin Rieu 12-14, 1208 Geneva. Represented by its Power of Attorney holder Jacob George, aged 48 S/o KV George residing at Karimpilackil House, 1-7, Street No. 1, Deepthi Nagar, Kottayam 686004

To

DEFENDANT NO. 8

All persons claiming or being entitled to claim damages

All persons claiming or being entitled to claim damages by reason of or arising out of loss/damage to cargo carried on boards the vessel MC Elsa (IMO 9123221) from Vizhinjam to Kochi in May, 2025

NOTICE

Pursuant to order dated 21st August 2025 in I.A. No. 3/2025 in Admiralty Suit No. 14/2025, the Plaintiffs have been directed by the Hon'ble High Court of Kerala to issue a public notice of the institution of the suit, the cause of action, reliefs claimed and the next date of hearing of the aforesaid proceedings before the Hon'ble High Court of Kerala.

Institution of the Suit - Admiralty Suit No. 14 of 2025 ("Limitation Suit") has been instituted by the Plaintiffs who were the Owners, Demise Charterers, Time Charterers and Operators of the vessel MSC ELSA 3, for limitation of liability in respect of all claims for damages or compensation or loss recognized under section 352 A of the Merchant Shipping Act, 1958 ("**MS Act**") arising out of the incident involving the sinking of the vessel MV MSC Elsa 3 [IMO No. 9123221] ("**Vessel**") on 25 May 2025 whilst on a voyage from Vizhinjam, Indie to Kochi, India.

Cause of Action: Under the MS Act, the Plaintiffs have a statutory right to limit their aggregate liability in respect of all claims arising out of the incident and recognized under section 352 A of the Act, by constituting a Limitation Fund in Court. After the Limitation Fund has been constituted by the Plaintiffs, no person entitled to claim against the Limitation Fund before the Hon'ble High Court of Kerala shall be entitled to exercise any right against the Plaintiffs or any assets of the Plaintiffs in respect of their claims arising out of the incident.

Relief Claimed: The Plaintiffs are *inter alia* seeking (1) Declaration that the aggregate liability of the Plaintiffs in respect of all claims falling under section 352 A of the MS Act and all other claims which are subject to limitation of liability in respect of the incident of 25 May 2025 involving MV MSC Elsa 3 [IMO No. 9123221] shall be limited to a sum of SDR 10,435,912.00 in equivalent US Dollars or Indian Rupees (2) constitution of a Limitation Fund of SDR 10,435,912.00 in equivalent US Dollars or Indian Rupees under Part XA of the MS Act for categories of claims enumerated under Section 352 A of the MS Act and all other claims which are subject to limitation of liability (3) permanent injunction restraining all persons known and unknown, from commencing any action for arrest, detention or attachment of any assets of the Plaintiffs in relation to any claims arising out of the incident (4) directions for ascertainment of the persons who have or may have claims for compensation or loss or damage arising out of the incident and (5) rateable distribution of all claims as may be determined as payable from the Limitation Fund constituted in the Limitation Suit before the High Court of Kerala.

Please take notice that the above Admiralty Suit is posted for appearance of the above-named Defendant (Defendant No. 8). Therefore all persons having claims for damages or compensation arising out of the incident involving the vessel MSC ELSA 3 may appear either directly or through pleader on **18.09.2025 at 10:15 a.m.** before the High Court of Kerala.

Sd/-

Pranoy K. Kottaram
Advocate for the Plaintiff

Place: Ernakulam
Date: 23/08/2025