



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

File No. 13-14011/26/2020-ENGG – DGS (C. No. 3782)	Date: 23.05.2025
Subject: Non-Renewal of Document of Compliance (DOC) - M/s. ITT Shipping (Private) Limited	
<u>SPEAKING ORDER</u>	
<p>A. Background:</p> <ol style="list-style-type: none">1. M/s. ITT Shipping (Private) Limited, having its registered office at 4, Fairlie Place, 1st Floor, Room No 123, Kolkata - 700001, is the holder of the Document of Compliance (DOC) for "Other Cargo Ships," issued by the Directorate General of Shipping under Rule 5 of the Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000, as amended. The DOC is valid until 25th March 2025.2. On 25th August 2024, the vessel ITT Puma, owned by M/s. ITT Shipping (Private) Limited and registered in Kolkata, tragically sank during its voyage from Kolkata to Port Blair at approximately 78 nautical miles southeast of Sagar Island. The incident resulted in the disappearance of three crew members, including the Master and the Chief Officer of the vessel. <p>B. Statutory Inquiry into the Incident:</p> <ol style="list-style-type: none">3. In view of the gravity of the incident, a Preliminary Inquiry (PI) was promptly ordered in accordance with Sections 359 and 388 of the Merchant Shipping Act, 1958, as amended.4. The Preliminary Inquiry, conducted by officers of the Jurisdictional Mercantile Marine Department, revealed multiple breaches and violations of critical Safety Regulations under the International Convention on Safety of Life at Sea (SOLAS) and the International Safety Management Code (ISM Code).5. The inquiry further uncovered systemic deficiencies and non-compliance with mandatory safety procedures, both onboard the vessel and within the Safety Management System (SMS) of M/s. ITT Shipping (Private) Limited, which directly contributed to the fatal incident.	



6. The salient findings of the Preliminary Inquiry are as follows:

- a) The company employed a 74-year-old Master without conducting the required medical examination, as per statutory provisions.
- b) The company loaded wet sand in bulk without adhering to the necessary precautions mandated under the IMSBC Code.
- c) Cargo was not properly stowed and secured in accordance with the approved Cargo Securing Manual, and the company was unable to produce a valid copy of the manual.
- d) The company failed to ensure the accurate calculation of the vessel's stability prior to departure. There was a significant mismatch between the cargo quantity stated in the Cargo Manifest and the Departure Stability Calculation Report.
- e) The company neglected to ensure the proper securing of containers loaded on deck, resulting in containers drifting and floating off the vessel at the time of sinking.

7. Furthermore, the inquiry revealed that M/s. ITT Shipping (Private) Limited had disregarded the age norms order issued by the Directorate General of Shipping and continued to operate ships older than 40 years without taking the requisite safeguards.

C. Show Cause Notice:

- 8. Upon a thorough review of the PI report and considering the company's continued operation of similarly aged vessels under its technical management, which present similar risks, a Show Cause Notice was issued on 3rd January 2025 by the Directorate General of Shipping.
- 9. The purpose of the Show Cause Notice was to provide M/s. ITT Shipping (Private) Limited an opportunity to respond to the serious matters raised therein. This was in accordance with the principles of natural justice, ensuring the company a fair chance to be heard before any further action was taken. However, the company has failed to submit a response to the Show Cause Notice to date.

D. Writ Petition before the Hon'ble High Court of Calcutta:

- 10. Rather than responding to the Show Cause Notice, M/s. ITT Shipping (Private) Limited chose to file a Writ Petition (WP No. 3042/2025) before the Hon'ble High Court of Calcutta, challenging the jurisdictional authority of the Directorate General of Shipping to issue such a notice and seeking the quashing of the Show Cause Notice.
- 11. The matter was heard by the Hon'ble High Court on 13th February 2025, during which the Court restrained the Directorate General of Shipping from taking any coercive action against the company's vessels until 21st February 2025. On 19th February 2025, the



Hon'ble High Court extended the time for filing the Reply Affidavit by four weeks.

12. Meanwhile, M/s. ITT Shipping (Private) Limited applied for the renewal of its DOC, which has been withheld pending the outcome of the writ petition. The company's submission before the Hon'ble Court emphasized the urgency of renewing the DOC, claiming that the expiration of the DOC would disrupt essential supply services from Kolkata to Port Blair, thus causing hardship to the residents of Port Blair.
13. In response, the Hon'ble High Court directed the regulatory authorities to allow the vessels of M/s. ITT Shipping (Private) Limited to operate pending the final decision on the renewal of the DOC. The Court further directed that the application for the renewal of the DOC be processed expeditiously, and that the decision be made no later than 9th April 2025.

E. Renewal DOC Audit of M/s. ITT Shipping (Private) Limited

14. As per the directives of the Honourable High Court of Calcutta, a DOC renewal audit of M/s. ITT Shipping (Private) Limited was conducted by the Directorate on 3rd April 2025. During the course of the audit, the auditors identified three (3) Major Non-Conformities (NCs) and five (5) Non-Conformities, as detailed below:

14.1 Major Non-Conformity 01/03: (ISM Code 1.4.2 & ISM 7):

The Company has failed to establish and implement adequate procedures to ensure the safe and environmentally compliant operation of its vessels. The company's Safety Management System (SMS) is severely deficient, as it lacks comprehensive procedures for critical operations such as safe cargo handling, cargo securing, and the verification of cargo details. Specifically, the SMS did not include required instructions for the safe loading and stowage of general cargo, solid bulk cargo, and containers, as mandated under SOLAS and the IMSBC Code. Furthermore, there were no procedures to ensure that the Master was provided with the necessary cargo information prior to loading, as required by SOLAS VI/2.5 and the Merchant Shipping (Carriage of Cargo) Rules, 1995. There was also a failure to ensure that cargo was properly secured and lashed, with no records of cargo securing plans or a cargo securing manual for the vessel ITT Puma. This lack of proper procedural compliance directly endangered the safety of life on board and the protection of the marine environment, highlighting a clear failure by the company to adhere to basic regulatory requirements for safe and secure operations.

14.2 Major Non-Conformity 02/03: (ISM Code 6.0)

The Company has demonstrated a clear failure in its responsibility to ensure that its vessels are manned by qualified, certified, and medically fit seafarers. The company's SMS failed to establish adequate procedures for verifying the qualifications and certifications of seafarers, which is a fundamental obligation under the ISM Code. The selection process for new hires, which is supposed to involve interviews by a



selection committee, was not followed, with no records available to substantiate the hiring practices. Moreover, it was found that the vessel ITT Leopard was transiting between Port Blair and Kolkata without meeting the required manning standards as per the statutory manning document (SMD), exposing the vessel to potential safety risks. The ITT Tiger was also found to be inadequately manned, with no documentation regarding the vessel's layup status, as per the provisions of Merchant Shipping Notice 06/2016. Additionally, the company's failure to appoint a qualified Company Security Officer (CSO), as required by Rule 13(3) of the Merchant Shipping (Ship and Port Facility Security) Rules, 2024, further underscores the company's disregard for critical safety and security requirements. This constitutes a clear failure to meet basic obligations to ensure safe and competent manning of its vessels.

14.3 Major Non-Conformity 03/03: (ISM Code 6.2.1)

The Company has failed to ensure that its vessels are manned by medically fit seafarers, which is a clear violation of statutory requirements. The company failed to verify and validate the medical certificates of key personnel, including the Master of the vessel ITT Puma, prior to the vessel's deployment. The medical certificate for the Master was not uploaded on the e-Gov portal, nor was it validated by the concerned medical professional, indicating a serious lapse in medical compliance. A similar issue was observed for another officer, Capt. Gajendra Nath Das, whose medical certificate was not validated or uploaded to the required system. The company's inadequate process of accepting medical certificates without proper verification further highlights a failure in ensuring the health and safety of crew members, directly compromising the safety of operations. By neglecting to verify the authenticity and validity of medical certificates, the company demonstrated a clear disregard for the fundamental duty of ensuring the fitness of its seafarers.

14.4 Non-Conformity No. 1 (ISM Code 1.4.5, 8.1)

The Company has shown a complete failure in addressing emergency preparedness and response procedures in its SMS. Despite having a Contingency Manual, the procedures contained within it are over 20 years old and do not adequately address the required actions during shipboard emergencies. For example, the procedures for grounding and stranding do not provide specific guidance on actions such as taking soundings of tanks or sounding around the ship. This reflects a clear failure by the company to update and maintain its emergency response procedures in accordance with current best practices and regulations. Moreover, during a recent ship-shore drill conducted on ITT Leopard, the drill log was found to be incomplete and inadequate, missing critical details such as the time log. This demonstrates a lack of commitment to ensuring that emergency drills are properly conducted and recorded, further illustrating the company's failure to meet its responsibilities for emergency preparedness.



14.5 Non-Conformity No. 2 (ISM Code 3.2)

The Company has failed to define and document the responsibilities and authorities of personnel involved in the SMS, which is a fundamental requirement under the ISM Code. The company's organogram does not include key personnel who assist superintendents and managers in SMS-related duties such as manning, technical, and purchasing. Furthermore, the company has not documented the responsibilities of supporting staff, leading to confusion and a lack of accountability within the SMS structure. Additionally, these supporting personnel were found to be working without formal contracts of employment, further highlighting the company's neglect in establishing a clear and compliant organizational structure. This lack of clarity and proper documentation of roles and responsibilities undermines the effectiveness of the SMS and poses a significant risk to operational safety and compliance.

14.6 Non-Conformity No. 3 (ISM Code 9.1)

The Company has failed to implement any procedures for reporting, investigating, and analyzing accidents, near misses, and hazardous occurrences, which is a clear violation of the ISM Code. The company's SMS does not include any provisions for the identification, investigation, or analysis of safety incidents, a critical component of maintaining a safe operational environment. By failing to establish these procedures, the company has demonstrated a complete disregard for the importance of incident reporting and safety analysis. This oversight not only violates regulatory requirements but also exposes the company to greater risks, as there is no systematic approach to addressing safety issues and preventing future occurrences.

14.7 Non-Conformity No. 4 (ISM Code 10.2.1)

The Company has failed to ensure that inspection and maintenance of critical equipment are carried out at the appropriate intervals, which is a clear breach of the ISM Code. Specific maintenance lapses included overdue maintenance for the starboard side auxiliary engine cylinder head on ITT Leopard and overdue routine maintenance for the fuel pumps on ITT Tiger, with running hours exceeding the recommended thresholds. These failures not only jeopardize the operational reliability of the vessels but also increase the risk of mechanical failures, which could result in severe safety and environmental consequences. The company's inability to maintain equipment in a timely manner reflects a clear failure in managing vessel upkeep and ensuring the ongoing safety and functionality of critical systems.

14.8 Non-Conformity No. 5 (ISM Code 10.3)

The Company has failed to maintain an adequate inventory of critical spare parts on board its vessels, which is a clear violation of ISM Code requirements. The minimum spare parts list for ITT Lion was found to be unquantified, and there were inconsistencies in the spare part inventory for ITT Leopard between 2023 and 2024. Moreover, the inventory for ITT Jaguar was signed by a Chief Engineer who was not



on board at the time of signing, further highlighting the company's neglect in maintaining accurate records and inventories. The failure to ensure an adequate supply of critical spare parts jeopardizes the ability of the vessels to respond to emergencies and perform safely, demonstrating a significant oversight in the company's operational readiness and risk management.

F. Major Non-Conformities and its seriousness:

15. These Non-Conformities not only highlighted the procedural lapses but also emphasized the clear and systemic failures by the company in its operational practices and adherence to safety regulations. Each of the Non-Conformity underscores the gravity of the company's non-compliance.
16. The Major Non-Conformities identified during the audit are of a serious nature and present an immediate threat to both personnel safety and environmental protection. These Major NCs confirm the concerns raised in the Preliminary Investigation into the sinking of ITT Puma on 25th August 2024. The deficiencies observed were in the areas of the company's failure to establish and implement adequate SMS procedures, non-compliance with required regulations, failure to identify and respond to emergency situations, and insufficient manning of vessels with qualified, certified, and medically fit seafarers. The nature of these failures is such that they pose a serious risk to life and the environment, necessitating immediate corrective action.
17. As a result of these findings, the auditors have not recommended the renewal of the DOC held by M/s. ITT Shipping (Private) Limited. The company was directed to submit a detailed corrective action plan for each of the identified Major NCs, with the understanding that any further delay in addressing these deficiencies could result in the permanent withdrawal of the DOC.

G. Inadequate Response and Failure to Take Corrective Action:

18. Following the identification of the Major NCs, M/s. ITT Shipping (Private) Limited submitted an incomplete proposal for corrective actions on 1st May 2025 and 7th May 2025. These submissions were reviewed and subsequently rejected by the auditors. A virtual meeting was conducted on 13th May 2025 between the auditors and the company's representatives to discuss the lack of immediate action. Despite being aware of the seriousness of the issues, the company continued to operate its vessels without implementing the necessary corrective measures and without downgrading the Major NCs to non-conformities as required.

H. Legal Implications and Supplementary Affidavit:

19. Given the company's failure to take timely and adequate steps to address the Major NCs, the Directorate filed a supplementary affidavit with the Honourable High Court on 13th May 2025. The affidavit outlined the provisions of ISM Code Clause 13.5 and 13.5.1, which state that a company's DOC may be withdrawn if Major NCs remain unresolved.



Furthermore, the affidavit highlighted that, in the event of a serious incident, vessels operating under an invalid DOC would not be covered by insurance, potentially exposing the company to severe legal and financial consequences.

I. Directions from the Hon'ble High Court dated 19th May 2025:

20. The matter was presented before the Honourable High Court on 19th May 2025. During the proceedings, the Directorate informed the Court that the company had not provided satisfactory evidence of closure for the Major NCs. In contrast, the company claimed that all documents required for the closure of the Major NCs had been submitted. The Honourable High Court then directed that the Directorate take a decision on the renewal of the DOC by 26th May 2025, with a clear order to either accept or reject the renewal. If the DOC is accepted, the company may resume its operations in compliance with the law. Should the DOC not be renewed, the Directorate is to provide detailed reasons to the Court. The Court has also directed that the company must not ply its vessels without a valid DOC, and the case is scheduled for further hearings on 10th June 2025.

J. Company's Submission for Closure of Non-Conformities:

21. On 19th May 2025, the company submitted documentation regarding the closure of the three (3) Major NCs and five (5) Non-Conformities. Upon review of the submission, the auditors noted that the company had amended its procedures, conducted training, and taken other corrective measures to improve its practices going forward. However, the auditors emphasized that the company's failure to address the fundamental issues that led to the Major NCs in the first place indicates a lack of effective implementation of the ISM Code. The company, despite being fully aware of the consequences of operating without a valid DOC, continued its operations without informing the Honourable Court of the unresolved Major NCs. This raises serious concerns about the company's commitment to safety, compliance, and regulatory responsibilities.

K. Past Incidents and Continued Violations of Safety Protocols:

22. The continued involvement of M/s. ITT Shipping (Private) Limited's vessels in multiple accidents and incidents over the years demonstrates a persistent pattern of safety violations and a lack of adherence to the International Safety Management (ISM) Code. These incidents highlight the company's systemic failure to implement effective safety management procedures, which poses a direct threat to the safety of the vessels, personnel, and the environment.

22.1. Incident on 20th July 2017 – Sinking of ITT Panther: On 20th July 2017, the company's vessel ITT Panther was abandoned and subsequently sank. While no fatalities were reported, the fact-finding report revealed significant lapses, including the failure to implement the ISM Code, inadequate manning of the vessel, and non-adherence to the Code of Safe Practice for Cargo Stowage and Securing, as well as the IMSBC Code. The



current incident involving ITT Puma is eerily similar and suggests that the company has not taken adequate measures to learn from past mistakes, indicating a failure to exercise prudent responsibility in preventing such incidents.

22.2 Incident on 9th April 2023 – Collision of ITT Leopard with Indian Coast Guard Vessel: On 9th April 2023, ITT Leopard collided with an Indian Coast Guard vessel. The investigation into this incident identified human error and failure in Bridge Management Team operations as the primary causes. Additionally, it was found that the incident was not reported to the Flag Administration, which highlights a significant lapse in the implementation of the ISM Code onboard the vessel. Furthermore, no damage inspection was conducted by either the vessel's officers or the Classification Society, raising concerns about the vessel's seaworthiness post-incident.

22.3 Incident on 2nd May 2023 – Collision of ITT Jaguar with Dinghy Boat: On 2nd May 2023, ITT Jaguar collided with the dinghy boat Ganga Sagar near Mayabunder, Port Blair, resulting in the sinking of the boat. Although no casualties occurred, the investigation report revealed that the vessel's Master failed to provide necessary assistance to persons in distress, contrary to maritime safety protocols. Additionally, the crew failed to release the MOB marker or lifebuoys, further demonstrating the company's failure to effectively implement emergency response procedures. The report concluded that the company's SMS procedures related to familiarization with duties and emergency response were ineffective. Recommendations included a thorough review of SMS procedures, pre-joining briefings for all officers, and regular training to ensure proper implementation of the SMS.

22.4 Incident on 21st March 2025 – Flooding of ITT Leopard: On 21st March 2025, ITT Leopard experienced a flooding incident and listing due to a leaking ballast tank valve after passing Diamond Harbour. This incident was reported by the Harbour Master of Syama Prasad Mookerjee Port, Kolkata to the jurisdictional Mercantile Marine Department (MMD). However, the incident was not reported to the Directorate General of Shipping, indicating a lack of transparency and compliance with reporting requirements.

23. The recurrence of such incidents and the company's continued failure to address safety violations through effective implementation of the ISM Code reflect a concerning pattern of neglect. These ongoing deficiencies demonstrate that the company has failed to uphold its responsibility to ensure the safety of its vessels, personnel, and the environment. The repeated nature of these accidents underlines the company's inability to implement corrective measures and adequately safeguard against further risks, posing a substantial threat to maritime safety and environmental protection.

L. Decision of the Directorate General of Shipping:

24. After a thorough review of the findings from the audit conducted on M/s. ITT Shipping (Private) Limited and in consideration of the associated legal proceedings, it is concluded



that the company has failed to meet the fundamental requirements under the International Safety Management (ISM) Code. The Major Non-Conformities (NCs) identified during the audit represent serious and unresolved issues that pose significant threats to personnel safety, ship safety, and environmental protection.

25. The company has demonstrated a lack of effective implementation of the ISM Code, with clear deficiencies in establishing and adhering to safety management procedures. The failure to address critical areas such as safe cargo operations, the manning of vessels by qualified and medically fit seafarers, and the establishment of adequate emergency procedures indicates a systemic and ongoing failure to comply with the ISM Code. Furthermore, the company's continued operation of vessels in a non-compliant manner, despite being aware of the risks associated with operating under an invalid Document of Compliance (DOC), reflects a disregard for both regulatory requirements and the safety of the personnel and the environment.
26. The legal provisions under Clause 13.5 and 13.5.1 of the ISM Code are clear in stipulating that the renewal of the DOC cannot be considered in the presence of unresolved Major NCs that threaten the safety of life on board, environmental protection, and the effectiveness of the Safety Management System (SMS). These provisions also state that, in the event of an unresolved Major NC, the associated Safety Management Certificates (SMCs) issued to the vessels under the DOC become invalid. The company's failure to timely resolve these major issues, despite being given multiple opportunities to take corrective action, further exacerbates the situation.
27. The company's incomplete proposals and lack of immediate corrective action in addressing the Major NCs, even after being informed of the critical nature of these deficiencies, demonstrate a clear lack of commitment to safety and compliance. The company's failure to act with urgency and the continued operation of its vessels without informing the Honourable Court of these unresolved issues is a grave concern.
28. It is noted with grave concerns that M/s. ITT Shipping (Private) Limited has a history of recurring safety violations and unsafe ship operations, culminating in the sinking of ITT Puma on 25th August 2024. This incident follows earlier cases such as the abandonment and sinking of ITT Panther in 2017 due to non-compliance with ISM procedures, a collision involving ITT Leopard with an Indian Coast Guard vessel in 2023, and the failure of ITT Jaguar to assist persons in distress after a collision in the same year. A recent flooding incident aboard ITT Leopard in March 2025, not reported to the Directorate, further reflects the company's continued disregard for safety protocols. These incidents demonstrate a systemic failure to implement and enforce the Safety Management System (SMS), posing significant risks to vessel safety, personnel, and the environment.
29. In light of these serious lapses, and in accordance with the provisions of the ISM Code and the relevant Merchant Shipping Rules governing the safety and operation of vessels,



the Directorate General of Shipping finds it legally untenable to renew the DOC of M/s. ITT Shipping (Private) Limited. Taking serious note of the company's inability to address the Major NCs effectively coupled with its continued non-compliance with fundamental safety regulations, the application for renewal of the Document of Compliance (DOC) of M/s. ITT Shipping (Private) Limited, Kolkata is hereby REJECTED under rule 5(6) of the Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000, as amended.

30. This decision is being made in the best interest of ensuring the safety of life at sea, the protection of the marine environment, and the adherence to international safety standards. As such, the Document of Compliance (DOC) No DGS/DOC/20/1377 with date of issue 01.06.2020 issued by the Director General of Shipping, Govt of India to M/s. ITT Shipping (Private) Limited, Kolkata stands INVALID.

M. Appeal Provisions:

31. In the event that M/s. ITT Shipping (Private) Limited is aggrieved by this decision regarding the non-renewal of the Document of Compliance (DOC), the Company may file a formal appeal before the Appellate Authority under Section 13 of Merchant Shipping Notice 9 of 2014. The appeal may be made to the Director General of Shipping, Government of India, in accordance with the provisions outlined in the said notice.



(Gopikrishna C.)

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