

Presented on : 13/03/2015  
 Registered on : 13/03/2015  
 Decided on : 27/07/2016  
 Duration : 14 D 4 M 1 Y  
Exh.

**IN THE COURT OF THE METROPOLITAN MAGISTRATE,**  
**28<sup>th</sup> COURT, ESPLANADE, MUMBAI.**  
 (Presided over by A.K. Kale)

Maharashtra Pollution Control Board,  
 3<sup>rd</sup> and 4<sup>th</sup> Floor, Kalpataru Point  
 Building, Sion(E), Mumbai-400 002,  
 Represented by Shri. Amar B.  
 Durgule, I/c Regional Officer, Mumbai  
 Maharashtra Pollution Control Board,  
 having his office at Raikar Chamber,  
 Near Govandi Station, Govandi,  
 Mumbai-400088.

----- Complainant.

Versus

1. M/s. Roxina Real Estate Pvt. Ltd.,  
 1002, 10<sup>th</sup> Floor, Rushabh Apartments,  
 Dr. Parekh Street, Prarthana Samaj,  
 Mumbai.

2. Shri. Deepak Sampat, Director of  
 M/s. Roxina Real Estate Pvt. Ltd.,  
 1002, 10<sup>th</sup> Floor, Rushabh Apartments,  
 Dr. Parekh Street, Prarthana Samaj,  
 Mumbai.

----- Accused.

Offence :- u/Sec. 15 r/w 16 of the Environment (Protection)  
 Act, 1986 and the Environment Impact Assessment  
 Notification 2006.

Appearances :- Ld. Advocate Shri. Ritesh K. Kerkera of the  
 complainant.  
 Ld. Advocate Shri. Ravi K. Kishni of the accused.



*[Handwritten signature]*

**J U D G M E N T**

(Delivered on 27/07/2016)

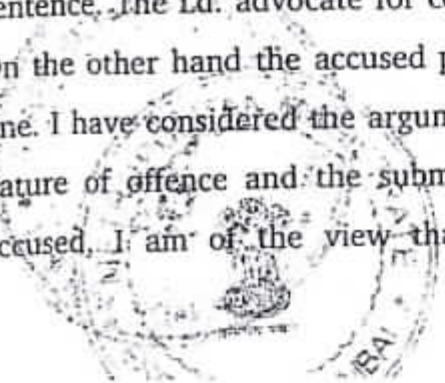
1. The accused are facing trial for the offences punishable 15 r/w 16 of the Environment (Protection) Act, 1986 r/w the Environment Impact Assessment Notification 2006.

2. The brief facts of the complainant's case are as under:

The accused started the building construction activities on plot bearing C.S. No.2300, 2304, 2305, 1/2305, 2306, 2308, 2309 & 2310 of Bhuleshwar Division, C Ward situated at Dr. Babasaheb Jaykar Marg, without prior environment clearance from the Government of Maharashtra and thereby violated the provisions of Environment Impact Assessment Notification, 2006 and thereby committed an offence punishable under section 15 r/w 16 of the Environment (Protection) Act, 1986. Therefore the complainant filed the present complaint against accused.

3. The accused No.2 appeared in the matter and filed application vide Exh.7 for pleading guilty on behalf of both. On verifying the contents of application and putting questions to the accused No.2, I satisfied that it is voluntarily.

4. Considering the plead guilty by the accused, I hold the accused Nos. 1 & 2 guilty for the offence punishable u/Sec. 15 r/w 16 of the Environment (protection) Act, 1986. I heard both side on the point of sentence. The Ld. advocate for complainant prayed for maximum fine. On the other hand the accused prayed for releasing him on minimum fine. I have considered the argument of both counsels. Considering the nature of offence and the submissions made by Ld. counsel for the accused, I am of the view that, awarding of sentence of fine of



Rs.30,000/- for both the accused will be adequate one to meet the interest of justice. Hence I proceed to pass the following order,

ORDER

- i. Accused Nos. 1 & 2 are hereby convicted for an offence punishable u/Sec. 15 r/w 16 of the Environment (Protection) Act, 1986 r/w the Environment Impact Assessment Notification 2006 and they are sentenced to pay fine of Rs.30,000/- each ( Thirty Thousand only) and in default of payment of fine the accused No.2 shall suffer S.I. for 2 months.
- ii. The copy of the Judgment be given to the accused free of cost.

*[Signature]*  
27.7.16

(A. K. Kale)

Metropolitan Magistrate,  
28<sup>th</sup> Court, Esplanade, Mumbai

Mumbai  
Date :27/07/2016

Accused no ① & ②  
 Rs. 30000/- each  
 FINE PAID  
 0854652 & 0854653.  
 27/07/2016  
*[Signature]* 27/07/16

Copy Received  
*[Signature]*  
 31/8/16  
 Adv: Ashwini Jadhav

TRUE COPY

*[Signature]*  
28/8/2016

Judicial Clerk  
Metropolitan Magistrate  
28<sup>th</sup> Court, Esplanade, Mumbai

Applied on : 19/08/16  
 Granted on : 19/08/16  
 Ready on : 23/08/16  
 Delivered on : 23/08/16  
 Total Pages : P-3  
 : 22-12



दिवाणी ड २० मं.  
Civil D 20 me.

599/SS/2015

13/03/2015  
: 13/03/2015  
: 27/07/2016  
: 14 D 4 M 1 Y

28th  
नमुना अ FORM A  
पावतो पुस्तक BOOK OF RECEIPT

स No.

पुस्तक क्र.  
Book No. ....  
अनुक्रमांक  
Serial No. ....

MAGISTRATE,  
AI.

श्री / श्रीमती / कुमारी AN Ritesh S.  
पं.नाम/पु.नाम/श्री / श्रीमती / कुमारी  
पञ्चमार्गनाम याद क्र. Karkera यांच्या संबंधात  
र. (आकड्यात) र. (अक्षरां) करिता  
ची रक्कम मिळाली.

Received the sum of Rs. (in figures) 12/-  
Rs. (in words) Twelve only रुपात  
श्री / श्रीमती / कुमारी  
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of C.C. no - 599/SS/2015 श्री  
Page 344 = 12/-

Complainant.

रक्कम देणाऱ्या व्यक्तीची  
सही  
Signature of the person  
making the payment  
दिनांक : 28/3/16  
Date :

रक्कम घेणाऱ्या  
अधिकार्याची सही  
Signature of Officer  
receiving money  
दिनांक :  
Date :

नाझरची/वरिष्ठ लिपिकीची  
सही  
Esplanade Court  
Signature of  
Senior Clerk,  
Mumbai  
दिनांक : 28/3/16  
Date :

-- Accused.

Environment Protection  
Act, 1986 and the Environment Impact Assessment  
Notification 2006.

Appearances :-

Ld. Advocate Shri. Ritesh Karkera of the  
complainant.  
Ld. Advocate Shri. Ravi ... of the accused.



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