

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,
28th COURT, ESPLANADE, MUMBAI.**

(Presided over by A.K. Kale)

Maharashtra Pollution Control Board,
3rd and 4th 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, 10th Floor, Rushabh Apartments,
Dr. Parekh Street, Prarthana Samaj,
Mumbai.

2. Shri. Deepak Sampat, Director of
M/s. Roxina Real Estate Pvt. Ltd.,
1002, 10th 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. Khera of the
complainant.
Ld. Advocate Shri. Ravi K. Khera of the accused.



Handwritten signature

(2)

2

C.C.No. 599/SS/2015

J U D G M E N T
(Delivered on 27/07/2016)

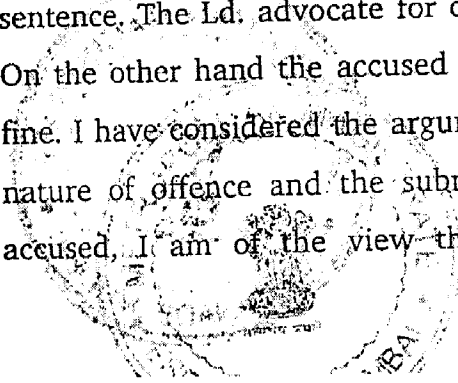
1. The accused are facing trial for the offences punishable 15 r/w 16 of the Environment (Protection) Act, 1986 r/w the Environment Impact Assessment Notification 2006.

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



2

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,
28th Court, Esplanade, Mumbai

Mumbai
Date :27/07/2016

Accused no ① & ②
 Rs. 30,000/- each
 FINE PAID
 P.No. 0854652 & 0854653.
 Dtd. 27/07/2016
[Signature]
 27/07/16

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

TRUE COPY

[Signature]
 23/8/2016
 Judicial Clerk
 Metropolitan Magistrate
 28th 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

