

Presented on : 13/01/2015
Registered on : 13/01/2015
Decided on : 23/05/2018
Duration : Y. M. D.
03 04 10

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE
(Presided Over by Satyasheela T. Katare)

REG.CRIMINAL CASE NO. 241/2015

Exh. No.31

Maharashtra Pollution Control Board
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai- 400022.

(Represented by Mr. A.D. Mohekar
Regional Officer-Pune
Maharashtra Pollution Control Board
3rd Floor, Jog Centre Building,
Wakadewadi, Mumbai-Pune Highway,
Pune- 411 003

.....**COMPLAINANT**

-VERSUS-

- 1] Ellora Buildwell Pvt. Ltd.,
Ellora Fiesta, Plot No.8, Sector-11
Opposite Juninagar, Navi Mumbai,
(Summons served upon)
Mr. Mahesh Ramesh Choudhari,
Project Coordinator of
M/s. Ellora Buildwell Pvt. Ltd.,
Ellora Fiesta, Plot No.8, Sector-11
Opposite Juninagar, Navi Mumbai,
- 2] Shri Mahesh Ramesh Choudhari,
Project Coordinator of M/s. Ellora Buildwell Pvt. Ltd.,

3] Shri Krishna Harishchandra Salvi,
Site incharge, M/s. Ellora Buildwell Pvt. Ltd.,
Ellora Fiesta, Plot No.8, Sector-11
Opposite Juninagar, Navi Mumbai,

...ACCUSED



Offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

Appearances

Ld. Adv. Natu -Gadre for the Complainant.

Ld. Adv. Muksale for the accused.


JUDGMENT

(Delivered on 23rd day of May, 2018)

01. The complainant Mr. A.D. Mohekar, Regional Officer of the Maharashtra Pollution Control Board, at Pune [For short "MPCB"] alleging that accused have committed the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) [For short "MPCB Board"]. He is authorized to file complaint under the Provisions of the Environment (Protection) Act, 1986.

Following are the facts in nutshell:-

02. It is contended that accused no. 1 is a private company constituted under the provision of the Companies Act, 1956. The accused No.1 company is



represented by accused No. 2 who is the Project Coordinator of accused No.1-Company and by accused no.3, who is site incharge of accused No.1 company. Accused are engaged in the development of construction project namely "Nakshatra I Land 669" , located at village Moshi, Alandi, Tal. Haveli, Dist. Pune. Accused No. 2 and 3 directly in-charge of and responsible to the company for the conduct of business of the company as well as the company and responsible for the above project and compliance of various provisions of the above Environmental Laws including the EIA, Notification, 2006. It is contention of the complainant that accused have carried out excess construction of total built up area admeasuring 34126.05 M2 at the site without prior permission of the complainant board.

03. It is further contended that the complainant board has filed the complaint against accused No. 1 to 3 for the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006). Hence, the complainant filed this complaint against accused.

04. Accused No.2 and 3 appeared before the Court. Today they remained present before the Court. The charge has been framed against them, to which they pleaded guilty and submitted that this is their first offence and they want to voluntarily plead guilty for the offence leveled against them on behalf of the company as well as themselves. They submitted separate application in respect of plead guilty before the Court at Exh.27. Consequences of plead guilty were narrated to accused No. 2 and 3. However, the said accused remained firm on their decision to confess the guilt with prayer for minimum punishment.

05. The learned advocate for the complainant board submitted that accused Nos. 1 to 3 be punished with maximum fine. Accused submitted that this is the first case filed against them. They do not have antecedents. So also, they submitted that leniency be shown while passing the sentence and prayed for minimum fine. As accused voluntarily pleaded guilty, it appears to be first offence of accused. Therefore, in my opinion it is just and proper to direct accused to pay maximum fine amount. Hence, I pass the following order:

ORDER

1. Accused No. 1 to 3 are hereby convicted vide section 246(3) of the Code of the Criminal Procedure for the offence under section 16 punishable under section 15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentenced to pay fine of Rs.60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each.

The copy of judgment be supplied to the accused free of cost.

(Pronounced in open Court.)

sd/- 23/05/18

(Satyasheel T. Katare)
Chief Judicial Magistrate, Pune.

Date : 23/05/2018

Fine/Penalty Paid Rs. 1,80,000/-
R. No. 13
Date 23/05/2018

Copy Received by

Ellora Buildwell

through
Mr. Mahesh Choudhazi

Asstt. Suptd. 23.5.2018
C.J.M. Pune

Compared by



TRUE COPY

26/6/18
Chief Judicial Magistrate
Pune

Mr. Mahesh Choudhazi

Mr. Krishna Salvi. Vishne