

IN THE LD. METROPOLITAN MAGISTRATE'S 73<sup>RD</sup> COURT, AT  
VIKROLI, MUMBAI.

**R.C.C. No. : 164 OF 2014.**

MAHARASHTRA POLLUTION CONTROL BOARD ..... Complainant.

V/s

1. M/s Cornate Constructions
2. SHRI. Ratilal Shah Authorized Rep. ( Representing 1 & 2)
3. D.P. Melville ..... Accused.

**APPLICATION FOR PLEADING GUILTY ON BEHALF OF A. No.1 AND 2.**

MAY IT PLEASE YOUR HONOUR :

It is most humbly submitted on behalf of the accused as under :

That the offences under sections 15 and 16 of the Environment ( Protection ) Act, 1986, r/w The Environment Impact Assessment Notification, 2006( EIA Notification , 2006 ) are basically technical in nature and after filing of the present case in July' 2014 , on 14<sup>th</sup> December 2015 the **environment clearance** has been granted by the SEAC-II , copy of the same is annexed herewith.

That as offences are only punishable with up-to 5 years and/or fine , are bail-able in nature.

That accused No.1 is M/s. Coronate Constructions , a company , further accused no.3 Mr. D.P. Melville has expired on 01.04.2013. That, accused no. 2 is a senior citizen aged 65 years , businessman , permanent resident of Ghatkopar, Mumbai and is staying with his family members in Mumbai .

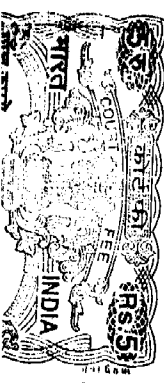
It is therefore prayed that the in the interest of justice and fair trial and in view of the present circumstances of the case ; the accused no.2 pleads guilty for and on behalf of Accused no.1 and 2.

**That accused No.2 prays that considering his advanced age and considering the facts and circumstances of the present case only fine be imposed.**

That, accused undertake to abide by all terms and conditions as deemed fit and proper by this Hon' ble court , if any imposed by this Honourable Court.

And for this act of kindness, the accused shall ever pray.

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Impact Assessment Notification 2006, p/u/s.15 of Environment (Protection) Act 1986 and accused no.2 is sentenced to pay fine of Rs.50,000/- (Rs.fifty thousand only), in default to suffer S.I. For two months.

2] Copy of the order be given free of costs to the accused.

*[Signature]*  
20/3/17

(V.V. Patil),  
Metropolitan Magistrate,  
73<sup>rd</sup> Court, Vikhroli, Mumbai.

Dated: 20/03/2017

Fine Paid Rs.- 50000/-

R. No.:- 099406

Date :- 20/3/17

*[Signature]*

CASHER

Addl. Chief Metropolitan Magistrate  
31st Court, Vikhroli, Mumbai.

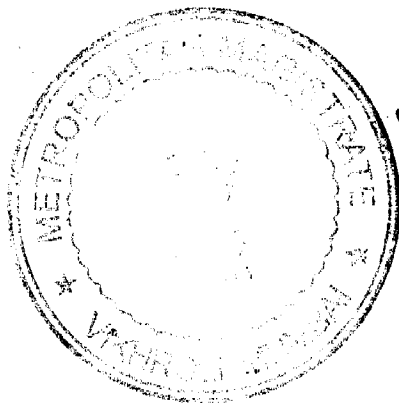
*Received copy.*

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**True Copy**

*[Signature]*  
21/4/17

Judicial Clerk  
Metropolitan Magistrate's  
73<sup>rd</sup> Court, Vikhroli, Mumbai



Que. 2 :- Do you understand the contents of the charge/particular which are read and explained to you in vernacular?

Ans :- Yes

Que. 3 :- Do you plead guilty?

Ans :- Yes, I do plead guilty.

Patil V. V. Anol.

Patil V. V. Anol.

Signature of the accused



(V.V. Patil),

M.M.73<sup>rd</sup> Court, Vikhroli, Mumbai.

Dated : 20/03/2017

### ORDER

Today complainant Vasave present with advocate. Accused present with its advocate. Accused move application for plead guilty. Here the offence alleged Under section 15 of Environment (Protection) Act 1986 r/w Environment Impact Assessment Notification 2006. Section 15 of that Act provides punishment for a term which may extend five years or with fine, which is extended to Rs.1 lakh or more. I called say of complainant. Complainant submitted that maximum fine be imposed upon the accused. Complainant has no objection to accept guilty plea of the accused. Considering nature of the offence and say of the prosecution, I proceed to pass the following order :-

### ORDER

1] Accused nos.1 and 2 are convicted for the offence punishable u/s.241 of Cr.P.C. For the offence ie Violation of Provisions of Environment

IN THE COURT OF METROPOLITAN MAGISTRATE 73<sup>rd</sup> COURT, VIKHROLI  
(Presided over by V.V. Patil)

C.C.No.164/SW/2014

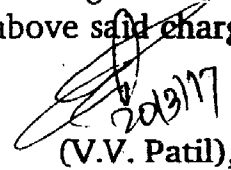
Exh.No.

Particulars of offence

- 1 Date of offence : 6/12/2013
- 2 Date of the complaint : 6/12/2013
- 3 Name, age, occupation and residence of the complainant : Maharashtra Pollution Control Board, reoresented by R.R. Vasave, having office at Raikar Chamber, near Govandi Stn., Govandi, Mumbai - 88
- 4 Name, age, occupation and residence of the accused : M/s. Coronate Constructions
- 5 Particulars of the offence : That you accused in 2012-2013 at

CTS NO.5635 B Vill - Ghatkopar, Kirol, Ghatkopar (E), Mumbai carried out construction more than 28371 sq.mtrs without obtaining prior Environment Clearance from the Government of Maharashtra as per requirement of and thereby violated provisions of Environment Impact Assessment Notification 2006 and thereby committed of offence p/u/s.15 of Environment (Protection) Act 1986 and within cognizance of this Court.

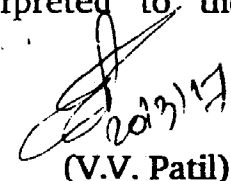
And I hereby direct that you be tried on above said charges.

  
(V.V. Patil),

Dated : 20/03/2017

M.M.73<sup>rd</sup> Court, Vikhroli, Mumbai.

The Particular is read-over and interpreted to the accused in vernacular language and he pleaded guilty.

  
(V.V. Patil),

Dated : 20/03/2017

M.M.73<sup>rd</sup> Court, Vikhroli, Mumbai.

Plea of Accused

Que. 1 :- Have you received the papers?

Ans :- Yes

