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 61.12.16
 27.12.16
 16 Dec

श्री. हिरीना नम. उ. शिंदे

Sampada
 Superintending
 Comm. Vashi (Navi Mumbai)
 17 DEC 2016

1 R.C.C. No.107/2016
 Presented on :- 17-08-2015
 Registered on :- 17-08-2015
 Decided on :- 03-02-2016
 Duration :- 00Y.05M.16D

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
 VASHI
 AT C.B.D. BELAPUR
 (Presided over by N. A. Patel)**

**Regular Criminal Case No.107/2016.
 Exhibit Number:- 9.1)**

Maharashtra Pollution Control Board,
 3rd floor and 4th floor, Kalpataru Point Building,
 Sion (East), Mumbai-400 022.
 Represented by Shri.S.R. Deshmukh,
 Regional officer- Navi Mumbai,
 Maharashtra Pollution Control Board,
 having office at Raigadh Bhawan, 7th floor,
 Sector-11, C.B.D. Belapur,
 Navi Mumbai - 400 614.

... Prosecution

Versus

1] M/s. Reliable Export,
 Reliable House, Opp. Huma Mall,
 L.B.S. Marg, Kanjurmarg (West),
 Mumbai- 400 078.

2] Shri. Aron Dlima,
 Executive Director,
 M/s. Reliable Exports,
 Reliable House, Opp. Huma Mall,
 L.B.S. Marg, Kanjurmarg (West),
 Mumbai- 400 078.

... Accused.

Offence :- U/sec. 15 r.w. Section 16 of The Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification 2006.

Appearances :

Mr. M.S. Mangela, the Learned Advocate of the Complainant.
Mr. M.B. Sandanshiv, the Learned Advocate of the Accused.

J U D G M E N T

(Delivered on 03rd February 2016)

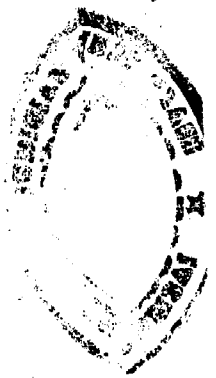
1] The accused persons facing the trial for the commission of the offences punishable 15 r.w. Section 16 of The Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification 2006.

2] *Factual matrix of the case of the complainant are as under:-*

The accused carried out construction activity without obtaining prior Environmental 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. Section 16 of The Environment (Protection) Act, 1986. Therefore the complainant filed the present complaint against accused.

3] The accused appeared. Charge of accused is framed vide Exhibit No. 7.

4] Following points arise for my determination and I have recorded my findings with reasons thereon is as below :-



Sr. No.	POINTS	FINDINGS
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1	Does the complainant prove that, accused carried out construction activity without obtaining prior Environmental 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. Section 16 of The Environment (Protection) Act, 1986?In the affirmative
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2	What Order? as per final order
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:: REASONS ::

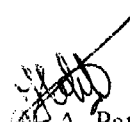
AS TO POINT NO.1 and 2:

5] The accused by filing the application vide Exhibit No.8 pleaded the guilty voluntarily. I hold the accused guilty. Heard the accused on point of sentence. He prayed for leniency and releasing him on fine only as the offence is committed by the company. The complainant and his advocate also prayed for the maximum fine. I have considered the argument of both counsels. It is admitted fact that, there is permission of construction, however there is further construction and proposal of which is pending. Considering this fact in my view it will be proper to release the accused on fine. Hence, accused are convicted. Hence order:-

:: ORDER ::

1] The accused 1 and 2 are convicted vide section 148(2) of Cr.P.C. for the offence i.e. violation of provision of Environment Impact Assessment, Notification 2006 punishable under section 15 r.w. Section 16 of The Environment (Protection) Act, 1986 and accused No.1 and 2 sentenced to pay fine of Rs.25,000/- (Rs. Twenty Five Thousand Only) jointly or severally in default accused No.2 to suffer simple imprisonment for three months.


Date :03.02.2016.
Place:C.B.D. Belapur

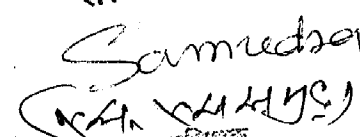

(A. Patel)
2nd Jt. Judicial Magistrate, F.C.,
Veshi.

File Paid Rs 25000/-
Belapur 3/12/2016
Civil Court



Executed by.....

Compared by.....


सत्य-प्रत
Samudra

सामुद्रिक अधिकारी
दिवानी व सीमावर्ती न्यायालय,
दादरी, नवी मुंबई.

27 DEC 2016