

Presented on : 17/03/2015  
 Registered on : 17/03/2015  
 Decided on : 22/05/2018  
 Duration : Y. M. D.  
 03 02 05

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

**REG.CRIMINAL CASE NO. 1184/2015**

**Exh. No. 20**

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

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

.....**COMPLAINANT**

**-VERSUS-**

- 1] M/s. Adi Realities  
 Sr. No. 127/2A, Off Wakad,  
 Hinjewadi Road,  
 Wadad, Pune 411057.
- 2] Mr. Dilip Satyapal Bhagwani  
 Partner of M/s. Adi Realities  
 Add. S. No. 12, F-1203/04,  
 Five Garden, Phase-2, Rahatani,  
 Pune – 411017.

.....**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).



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**Appearances**

Ld. Adv. Natu -Gadre for the Complainant.

Ld. Adv. Barbhai for the accused.

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**JUDGMENT**

(Delivered on 22<sup>nd</sup> 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 Partnership firm constituted under the provision of the Partnership Act, 1932. The accused No.1 company is represented by accused No. 2 who is the persons incharge of accused No.1-Company. Accused are engaged in the development of construction project namely "Horizons at Wakad", located at S. No. 127/2A, Off Wakad-Hinjewadi Road, Wakad, Pune -57 . Accused No. 2 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 28254.66 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 and 2 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 appeared before the Court. Today he remained present before the Court. The charge has been framed against him, to which he pleaded guilty and submitted that this is his first offence and he want to voluntarily plead guilty for the offence leveled against him on behalf of the company as well as himself. He submitted separate application in respect of plead guilty before the Court at Exh. 12. Consequences of plead guilty were narrated to accused No. 2. However, the said accused remained firm on his decision to confess the guilt with prayer for minimum punishment.

05. The learned advocate for the complainant board submitted that accused Nos. 1 and 2 be punished with maximum fine. Accused submitted that this is the first case filed against him. He do not have antecedents. So also, he 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 and 2 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 suffer simple imprisonment till rising of the Court and 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/- 22/05/18*

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

Date : 22/05/2018

Fine/Penalty Paid Rs 1,20,000/-  
R. No. .... 1.2 .....  
Date 22/5/2018

*[Signature]*  
Asstt. Suptd  
C.J.M. Pune

*Received copy*  
*[Signature]*  
*22/5/2018*  
Company by *[Signature]*



**TRUE COPY**  
*[Signature]*  
22-5-18  
Asstt.  
Chief Judicial Magistrate  
Pune