

CNR NO.MHCC02-002576-2018.

**IN THE COURT OF SPECIAL JUDGE,
(UNDER THE PREVENTION OF CORRUPTION ACT)
FOR GR. MUMBAI, AT MUMBAI**

ACB MISCELLANEOUS APPLICATION NO. 258 OF 2018

Pratap Lal Teli
Age 48 years,
Chawl No. 10, Room No. 203,
Punjabi Colony, GTB Nagar,
Sion Koliwada, Mumbai-400037
Telephone: 9930612284, 9869818906 ...Complainant

Versus

1. UPS Madan,
Commissioner,
Mumbai Metropolitan Region
Development Authority,
2. Ranbir Appar Maker,
Managing Director,
The Indian Film Combine Pvt. Ltd.,
Maker Tower, 'F' 1st Floor,
Cuffe Parade, Mumbai – 400005
3. Manish Ranbir Maker,
Director,
The Indian Film Combine Pvt. Ltd.,
Maker Tower, 'F' 1st Floor,
Cuffe Parade, Mumbai – 400005

AND

And other public servants and private persons
whose names shall become apparent during
investigation of the case. ...Accused

Appearance:-

Learned Advocate Mr. Aditya Pratap for Applicant/Complainant.

**CORAM : HIS HONOUR JUDGE SHRI S.J.BIYANI.
SPECIAL JUDGE (UNDER P.C.ACT).
(C.R.NO.46).**

DATED : 25th OCTOBER, 2018.

ORDER

Perused application. Seen documents. Heard advocate.

2. It is the contention of petitioner that respondent no.1 UPS Madan is the Planning Authority and Competent Authority to grant Floor Space Index (FSI) in areas under control of Mumbai Metropolitan Region Development Authority (MMRDA) and respondent no.2 and 3 are the key directors of the company 'The Indian Film Combine Pvt. Ltd.' to whom illegal pecuniary advantage is accorded by accused no.1 by flouting express provisions of the law. There was a large plot of land admeasuring above 20 acres, reserved for drive-in-theatre situated in Bandra East, Mumbai and leased to Indian Film Combine Ltd. Coastal Regulation Zone Notification, 1991 was notified and stipulated that development in CRZ-II areas where a substantial part of land of drive-in-theatre was situated, will be governed by Development Coastal Rules as prevailing on the date of Notification. Notification dated 19/02/1991 stipulated that FSI only for development of drive-in-theatre was available. Yet accused persons granted the FSI of '2' for the land. Accused without following the Notification and rules of development permitted huge construction to go on with the FSI of '2'. The FSI being used through an illegal change of use of land from drive-in-theatre to that of shopping mall, five-star hotel etc. thereby giving an illegal pecuniary gain to private developer to the tune of thousands of crore in one of the costliest areas of Mumbai i.e. the Bandra Kurla Complex. The petitioner have filed complaint before concerned authorities for

taking action but no any action was taken. The offence against respondent is serious in nature and requires investigation in respect of pecuniary advantage to accused by accused no.1 without following Notification and rules of development at the relevant time. Considering the nature of offence and allegations, I found that the application of the complainant is to be referred to ACB for investigation under Section 156(3) of Cr.P.C. Hence following order :

- ORDER -

1. Complaint be sent to ACB, Mumbai for investigation under Section 156(3) of Cr.P.C. alongwith the documents filed on record.
2. M.A.No. 258/2018 stands disposed off accordingly.

(S.J.BIYANI)
Spl. Judge under
P.C.Act, Gr.Mumbai.

Date : 25/10/2018.

1. Dictated on : 25/10/2018.
2. Transcribed on : 25/10/2018.
3. Signed on : 25/10/2018.
4. Delivered to Certified :
Copy Section on

SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
25/10/2018. 2.56 p.m.

NAME OF STENOGRAPHER
Miss M.A.Kulkarni

Name of the Judge (with Court Room no.)	HHJ Shri S.J.Biyani. (Court Room No.46).
Date of Pronouncement of Judgment/Order	25/10/2018.
Judgment/Order signed by P.O. on	25/10/2018.
Judgment/Order uploaded on	25/10/2018.