

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 557 OF 2018

Padmashree Dr. Vitthalrao Vikhe
Patil Sahakari Sakhar Karkhana
Ltd., at Pravara Nagar, Tq. Rahata,
District Ahmednagar through its
Managing Director

.. Petitioner

Versus

The State of Maharashtra,
through the Secretary for
Home Department, Mantralaya,
Mumbai and ors.

.. Respondents

Mr A.V. Hon, Advocate for petitioner
Mr S.G. Karlekar, A.G.P. for respondents no.1 to 4

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 25th January 2018

PER COURT

1. Mr A.V. Hon, learned Advocate for the petitioner submits that the case of the present petitioner is governed as per the judgment dated 13th December 2017 of Division Bench of this Court at its principal seat in Writ Petition no.8548 of 2004 with connected matters, In the said judgment, the Division Bench of this Court held as under:

“(a) The Bombay Denatured Spirit Rules, 1959 to the extent that they regulate the possession, use, sale, import, export and transport of denatured spirit viz. Rules 23 to 62 are ultra vires and unconstitutional and are struck down.

(b) There shall be no licence required under the Maharashtra Prohibition Act for sale, purchase, transport, possession, storage, dehydration, import and export of denatured spirit.

(c) We hereby clarify that the power of the State Government in the case of rectified spirit supplied for industrial purposes is only to see and ensure that rectified spirit, whether in the course of its manufacture or after its manufacture, is not diverted or misused for potable purpose. The State can make necessary regulations requiring the industry to submit periodical regulations requiring the industry to submit periodical statements of raw material and the finished product (rectified spirits) and is entitled to verify their correctness.”

2. Learned A.G.P. accepts the said fact.

3. In view of above, writ petition is allowed in terms of prayer clauses (B) and (C). No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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