

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

WRIT PETITION NO. 15159 OF 2017

Gangamai Industries and Constructions
Ltd. Through its Office Superintendent
B. J. Pohare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 15160 OF 2017**

BDH Organics Pvt. Ltd through its
Director Prashant Bhaskarrao Hon .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Hon, Senior Advocate i/by Shri Ashwin V. Hon,
Advocate for the Petitioner in both matters.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4 in both
matters.

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

DATE : 07TH FEBRUARY, 2018.

FINAL ORDER :

. Mr Hon, the learned senior Advocate for the petitioners
submits that the case of the present petitioners are 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 has 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. The learned Assistant Government Pleader accepts the said position.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 18