

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8778 OF 2007

Paresh Vora
Proprietor of M/s. Modern Industrial Products ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH
WRIT PETITION NO.2423 OF 2008

M/s. Alkyl Amines Chemicals Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH
WRIT PETITION NO.2795 OF 2008

M/s. Ultima Cosmetics Private Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH
WRIT PETITION NO.4768 OF 2008

M/s. Shrivardhan Chemical Industries ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH
WRIT PETITION NO.664 OF 2009

M/s. India Glycols Limited ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH
WRIT PETITION NO.668 OF 2009

Shweta Prakash Vora ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.759 OF 2009**

M/s. Laxmi Nirmal Petrochemicals Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.3255 OF 2009**

M/s. Spectrum Ethers Limited ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.3768 OF 2009**

Dr. Khan Industrial Consultants Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.7044 OF 2009**

Radha Murari Petroleum Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.3014 OF 2011**

Baramati Agro Limited ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

WITH

WRIT PETITION NO.251 OF 2012

Laxmi Organic Industries Limited ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.3061 OF 2012**

Nishant Enterprises Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

**WITH
WRIT PETITION NO.3991 OF 2012**

M/s. Lakshya Enterprises Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

Mr. D.B. Sawant a/w. Mr. V.R. Salokhe, Mr. Ramesh Lad and Mr. S.S. Thakur, for the Petitioners except W.P.No. 8778 of 2017.
Ms. Priyanka Raut i/b. Ms. Veena Thadani, for the Petitioners in Writ Petition No. 8778 of 2017.
Mr. N.C. Walimbe, AGP for the Respondents-State.

**CORAM : SHANTANU KEMKAR &
R.G. KETKAR, JJ.**

DATE : FEBRUARY 23, 2018

P.C.:

- . Parties through their counsel.
2. It is not in dispute that the question involved in these Petitions is covered by the Judgment passed by the Division Bench of this Court in various Writ Petitions including **Writ Petition No. 8548 of 2004 in the case of M/s. Arss Biofuel Pvt. Ltd. vs.**

State of Maharashtra and Ors. decided on 13th December, 2017.

3. In the circumstances, for the reasons stated in the judgment passed in the case of **M/s. Arss Biofuel Pvt. Ltd.** (supra) these Writ Petitions are disposed of in terms of the order which reads thus :

“(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 statements of raw material and the finished product (rectified spirits) and is entitled to verify their correctness.

(d) The Writ Petitions are made absolute on the above terms with no order as to costs.”

4. Rule made absolute in the aforesaid terms.

(R.G.KETKAR, J.)

(SHANTANU KEMKAR, J.)