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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5387 OF 2018

M/s. N.S.Scientific through its
proprietress Sheela Harish Sanghavi ..Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.D.B.Sawant i/b. Mr.Santosh Patil for the petitioner.

Mr.Sandeep Babar, AGP for the respondent-State.

***CORAM: SHANTANU KEMKAR
NITIN W.SAMBRE, JJ.***

DATE : JULY 12, 2018

P.C.:-

Heard parties through their counsel. Rule made returnable forthwith.

2. It is not in dispute that the question involved in this petition 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. V/s. State of Maharashtra and Ors.** decided on **December 13, 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 is made absolute in the aforesaid terms.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)