

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 4517 OF 2014

Swapnil Ramesh Raut ... Petitioner
Versus
State of Maharashtra and Ors. ... Respondents

ALONG WITH

WRIT PETITION (ST) NO. 15775 OF 2018

M/s. A.A. Attarwal and Company ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

AND

WRIT PETITION NO. 5386 OF 2018

Dhanashree Ethanol (I) Pvt. Ltd. ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

(No R & P in WP No.4517 of 2014).

Mr. Vinayak Salokhe i/by Mr.Santosh L. Patil for the petitioners in all the petitions.

Mr. M.M. Pabale, AGP for the respondent State in WP No. 4517 of 2014 and WP (St) No. 15775 of 2018.

Mr. Sandeep Babar, AGP for the respondent State in WP No.5386 of 2018.

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

DATE : JUNE 18, 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.

(NITIN W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)