IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(Production Board dated 07/03/2018)

WITH
Writ Petition NO. 903 OF 2014

M/s. Yogeshwari Petrochemicals Private Limited ...Petitioner(s)
Versus
State Of Maharashtra, Through Secretary, Home (transport) Dept And Ors ...Respondent(s)

WITH
Writ Petition NO. 7715 OF 2016

Shree Vitthal Chemicals Through Partner Pramod Mane ...Petitioner(s)
Versus
The State Of Maharashtra Through Principal Secretary And Ors ...Respondent(s)

WITH
Writ Petition NO. 8720 OF 2016

M/s. Regola Bio Chemical Private Limited ...Petitioner(s)
Versus
The State Of Maharashtra Through Principal Secretary And Ors. ...Respondent(s)

Mr. D.B. Sawant for the Petitioners.

Mr. C.P. Yadav, AGP for the Respondents-State.

CORAM : SHANTANU KEMKAR &
M.S. KARNIK, JJ.
DATE : MARCH 08, 2018

P.C.:

. Heard learned counsel for the parties. Admit

2. Rule.

3. With the consent of the parties, heard finally at the stage of admission.

4. 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.**

5. 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."

5. Rule made absolute in the aforesaid terms.

(M.S. KARNIK, J.) **(SHANTANU KEMKAR, J.)**