

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5266 OF 2013

Shri Manohar V. DayaramaniPetitioner
V/S
State of Maharashtra & Ors.Respondents

WITH
WRIT PETITION NO.6469 OF 2007

M/s. Minerva Power Corporation LimitedPetitioner
V/S
State of Maharashtra & Ors.Respondents

WITH
WRIT PETITION NO.6802 OF 2008

Ankit Raj Organo Chemicals Pvt. Ltd.Petitioner
V/S
State of Maharashtra & Ors.Respondents

WITH
WRIT PETITION NO.9398 OF 2003

Aditya Petrochemicals (India) Pvt. Ltd.Petitioner
V/S
State of Maharashtra & Ors.Respondents

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Mr. D.B. Savant for the Petitioners in all WPs.
Mr. N.C. Walimbe, AGP for Respondent Nos.1 to 3/State in WP Nos.6802 of 2008 and 9398 of 2003.
Mr. Y.D. Patil, AGP for Respondent Nos.1 to 3/State in WP Nos.5266 of 2013 and 6469 of 2007.

**CORAM : A.A. SAYED &
PRAKASH D. NAIK, JJ.**
DATE : 22 AUGUST 2019.

ORDER:

1 We are informed by the learned Counsel for the Petitioners and the learned AGP that the issue raised in the aforesaid Petitions would be covered by the judgment and order dated 13 December 2017 of the Division Bench of this Court (Coram: A.S. Oka and Riyaz I. Chagla, JJ.) in Writ Petition No.8548 of 2004 (**M/s. Arss Biofuel Pvt. Ltd. vs. State of Maharashtra & Ors.**) and other connected Writ Petitions. Following the said judgment and order, we pass the following order:

ORDER

- 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.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)

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