

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2636 OF 2017

M/s. Zenith Biochemical Industries
Private Limited

...Petitioner

Versus

The State Of Maharashtra
and others

...Respondents

....

Mr. Dnyandeo B. Savant, Advocate for the Petitioner.

....

CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.

DATE : 14th NOVEMBER, 2019

P.C.

1. Heard learned Counsel for the petitioner.
2. Rule. Rule made returnable forthwith.
3. 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 Writ Petition No.8548/2004 in the case of M/s. Arss Biofuel Pvt. Ltd. Vs. State of Maharashtra & Ors., along with other companion Writ Petitions, decided on 13.12.2017. The Writ Petitions were disposed of vide operative 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. Based on the reasoning and operative part in the case of M/s. Arss Biofuel Pvt. Ltd. (supra), another Division Bench of this Court vide order dated 21.6.2018 passed in Writ Petition Nos.2689/2006, 7145/2017 and 8727/2009 had disposed of said petitions involving similar questions in terms of operative part of the order in the case of M/s. Arss Biofuel Pvt. Ltd. (supra).

5. Since the question involved in the present Writ Petition is also the same, this Writ Petition can also be disposed of in terms of operative part of the order in the case of M/s. Arss Biofuel Pvt. Ltd. (supra), reproduced hereinabove.

6. Therefore, Rule is made absolute in aforesaid terms and the petition is disposed of.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)