

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.12421 OF 2018**

(modified as per order dt.8/2/2019)

M/s.Alpha Solvents, Proprietor .. Petitioner
Versus
The State of Maharashtra through
the Principal Secretary & ors .. Respondents

WITH

WRIT PETITION NO.12383 OF 2018

M/s.Jaibhavani Sahakari Sakhar
Karkhana Ltd, Beed .. Petitioner
Versus
The State of Maharashtra through
the Principal Secretary & ors .. Respondents

WITH

WRIT PETITION NO.12420 OF 2018

M/s.Santosh Sakhar Karkhana Ltd .. Petitioner
Versus
The State of Maharashtra through
the Principal Secretary & ors .. Respondents

...

Mr. D.B. Savant with Vinayak R. Salokhe for the petitioners.
Mrs.A.A. Purav, AGP for the State.

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 31st JANUARY 2019

P.C:-

1 Rule. Rule is made returnable forthwith. Heard by consent.

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** and further judgment delivered in connected Writ Petition No.9769 of 2018 passed on 3rd October 2018, the Division Bench had made the following observations :

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.

3 In light of the aforesaid judgment, the present Writ Petition deserves to be allowed.

4 Rule is made absolute in the aforesaid terms.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)