HEMANT CHANDERSEN SHIV
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11232 OF 2019

Shri. Arun Kumar Chaubey … Petitioner
Versus
The State of Maharashtra Through Prin. Secretary (State Excise) And Ors. … Respondents

ALONG WITH
WRIT PETITION NO.5444 of 2022

Jeetsons Distillery and Indiustries Ltd. ...Petitioner
vs.
The State of Maharashtra and Ors. ...Respondent

ALONG WITH
WRIT PETITION NO.5447 OF 2022

M/s. Renuka Enterprises ...Petitioner
vs.
The State of Maharashtra and Anr. ...Respondents

ALONG WITH
WRIT PETITION NO.11951 OF 2019

M/s. Shri Maruti Chem Enterprises Pvt. Ltd. ...Petitioner
vs.
The State of Maharashtra and Ors. ...Respondents

ALONG WITH
WRIT PETITION NO.5448 OF 2022

M/s. Utopian Sugars Ltd. ...Petitioner
vs.
State of Maharashtra and Ors. ...Respondents

ALONG WITH
WRIT PETITION NO.1408 OF 2021

M/s. Alcon Organics Chemicals Pvt Ltd. ...Petitioner
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. D. B. Savant with Mr. Vinayak Salokhe with Ramesh Lad, for the Petitioners in all matters.
Mr. S. L. Babar, AGP for the Respondent-State.

CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.

DATED : 29TH JUNE 2022

P.C. :

1. We have heard learned counsel for the Petitioner and learned AGP for the Respondents-State.

2. Parties are at adidem that the present matters are covered by Judgment of Division Bench of this Court in case of ***M/s.Arss Biofuel Pvt Ltd. vs State of Maharashtra & Ors.*** reported in ***2018 (5) ALL MR 541*** and that present matter be disposed of on the same terms.

3. It is further submitted that in similar other matters bearing Writ Petition No.2689 of 2006 and connected Writ Petitions, the Division Bench of this Court under order dated June 21, 2018 also disposed of Writ Petition in terms of order passed in ***M/s.Arss Biofuel Pvt Ltd.*** (supra).

4. In the result we also follow the same course and pass the following

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."

5. The Writ Petitions are disposed of accordingly. No costs.

(S. M. MODAK, J.) **(S. V. GANGAPURWALA, J.)**