



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.13694 OF 2017

M/s. Radico N V Distilleries Maharashtra Ltd,
Through Authorized Signatory of the Company

Versus

The State of Maharashtra & Others

...

WITH

CIVIL APPLICATION NO. 12449 OF 2023

....

Advocate for Petitioner : Mr. Prabhakar K. Joshi
AGP for the Respondent / State: Mr. M. M. Nerlikar

...

WITH

WRIT PETITION NO. 13519 OF 2017

Gangamai Industries And Constructions Ltd
Through Its Authorized Officer
Shri V S Khedekar

Versus

The State of Maharashtra and Others

...

Advocate for Petitioner : Mr. Ashwin V. Hon
AGP for the Respondent / State : Mr. M. M. Nerlikar

...

WITH

WRIT PETITION NO. 15075 OF 2017

Jalgaon Zilla Sahakari Doodh Utpadak Sangh
Maryadit Jalgaon
Through Authorized Officer
Shri P.R. Patil

Versus

The State of Maharashtra and Others

...

Advocate for Petitioner : Mr. Ashwin V. Hon
AGP for the Respondent / State : Mr. M. M. Nerlikar

WITH

WRIT PETITION NO.13723 OF 2017

Vikasratna Vilasrao Deshmukh
Manjara Shetkari SSK Ltd Latur

Versus

The State of Maharashtra and Ors

...

Advocate for Petitioner : Mr. A. V. Hon & Mr. V. B. Jadhav
AGP for the Respondent – State : Mr. M. M. Nerlikar

...

WITH

WRIT PETITION NO.13600 OF 2017

Padmashree Dr Vitthalrao Vikhe Patil
Sahakari Sakhar Karkhana Limited
At Pravara Nagar Through Md

Versus

The State of Maharashtra and Others

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Advocate for Petitioner : Mr. Ashwin V. Hon
AGP for the Resondent – State : Mr.M. M. Nerlikar

....

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATED : DECEMBER 12, 2023

PER COURT :

. Heard both the sides.

2. In all these bunch of petitions, there is a challenge to the Rule-19 of the Bombay Molasses Rules, 1955 and the Circulars / notifications issued thereunder particularly the notification dated

01.11.2017 issued by the State Government, styled as Bombay Molasses (Amendment) Rules, 2017 whereby Rule-19 has been amended regarding imposition of a levy of Rs.500/- per metric ton for issuance of permit under Rule-18 for a person intending to transport molasses.

3. The parties are unanimous that a similar challenge was before the Principal Seat in a bunch of writ petitions **Writ Petition No.13720 of 2017, M/s. Daund Sugar Private Ltd vs. State of Maharashtra through Principal Secretary and others** etc. Though in some of the petitions before us, civil applications have been filed on the premise that even these matters were directed to be transferred to the Principal Seat for being heard and decided along with that group, we have verified the fact with the Registry at Aurangabad as also at the Principal Seat. We have been informed that no such administrative order transferring the present matters was ever passed.

4. Be that as it may, in view of the fact that the challenge is to the selfsame rules and notification, both the sides unanimously request that even these petitions may be disposed of in the light of the decision of the matters at the Principal Seat.

5. On concession, we allow the writ petitions in following terms:

- (i) It is held that the challenge as raised by the petitioners in the present proceedings is squarely covered by the decision of the Division Bench of this Court in **M/s. VAM Organic Chemicals Ltd. vs. State of Maharashtra & Ors. in Writ Petition No. 2275 of 2000 decided on 09.01.2001** as confirmed by the Supreme Court in the proceedings of Appeal No.7126 of 2001 and in the decision of the Division Bench of this Court in **Sahakar Maharshi Shankarrao Mohite Patil Sahakari Sakhar Karkhana Ltd., Solapur vs. State of Maharashtra & Ors., 2011 (3) ALL MR 852.**
- (ii) The respondent/State has no authority in law to demand and recover fee from the petitioners under notifications dated 1 November, 2017 and 19 June, 2020.
- (iii) If any amounts are collected under such notifications, the same be refunded to the petitioners within a period of ten weeks from today, for which the petitioners are permitted to make refund applications.

6. Pending Civil Applications, if any, stand disposed of.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE