

P.V.Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8182 OF 2023

M/s. Nova Cosmetics Pvt. Ltd.

... Petitioner

Versus

... Respondents

The State of Maharashtra thr. Sec. Home Dept. &
Ors.

and

WRIT PETITION NO. 8670 OF 2023

... Petitioner

Zenith Biochemicals Industries Pvt. Ltd.

Versus

The State of Maharashtra, Thr. Principal Secretary ... Respondents
(State Excise) & Ors.

and

WRIT PETITION NO. 8669 OF 2023

Sandeep Ramchandra Chavan

... Petitioner

Versus

The State of Maharashtra Thr. Pri. Sec. Home ... Respondents
Dept. & Ors.

Mr. D. B. Savant with Mr. Ramesh Lad with Ms. Sampada Khanolkar, for
the Petitioners.

Ms. Shruti D. Vyas, Addl. G. P. for the State - Respondent.

**CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.**
DATED: 17 October, 2023

P.C.

1. These petitions have been filed under Article 226 of the Constitution.

As the prayers in these petitions are similar, for convenience, the prayers in

Writ Petition No.8182 of 2023 are required to be noted which read thus:

“(a) This Hon’ble Court be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, orders or directions under Article 226 of the Constitution of India calling for papers and proceedings in respect of the Petitioner’s file pertaining to the purchase, possession, sale, transport of Industrial Alcohol / Rectified Spirit / Absolute Alcohol / Extra Neutral Alcohol and after scrutinizing the validity and legality thereof this Hon’ble Court be pleased to declare that the Petitioner do not requires any licence, permit, pass, authorization under the Maharashtra Prohibition Act and the Bombay Rectified Spirit Rules, 1951 for purchase, possession, sale and transport of Industrial Alcohol/ Rectified Spirit / Absolute Alcohol / Extra Neutral Alcohol;

(b) Pending the hearing and final disposal of the Petition, the Respondents be restrained from recovering any transport fee for transport of Industrial Alcohol / Rectified Spirit / Absolute Alcohol/ Extra Neutral Alcohol under Rule 5 of the Bombay Rectified Spirit (Transport in Bond) Rules 1951;”

2. Thus, the only substantive relief prayed by the petitioners is in prayer clause (a) namely for issuance of writ of mandamus for a relief that the petitioners do not require any licence, permit, pass, authorization under the Maharashtra Prohibition Act and the Bombay Rectified Spirit Rules, 1951 for purchase, possession, sale and transport of Industrial Alcohol / Rectified Spirit / Absolute Alcohol / Extra Neutral Alcohol.

3. Mr. Savant, learned Counsel for the petitioners fairly submits that before approaching this Court for issuance of writ of mandamus, the petitioners have

not approached the State Government / Designated Officer with a demand for justice seeking exemption for requirement of licence, Permit, Pass, Authorization under the Maharashtra Prohibition Act, the Bombay Rectified Spirit Rules, 1951 and the Maharashtra Foreign Liquor (Import & Export) Rules 1963 for purchase, possession, sale, import, export, transport and manufacture of Industrial Alcohol/ Rectified Spirit/ Absolute Alcohol / Extra Neutral Alcohol.

4. Mr. Savant fairly submits that the petitioners are prepared to make substantive representations to the Designated Officer of the respondents. He states that the same shall be made within a period of two weeks from today. If such representations are made, the Designated Officer shall hear the petitioners on their contentions and pass appropriate orders. All contentions of the parties are expressly kept open.

5. The representations be decided as expeditiously as possible and in any event within a period of six weeks from the date of submission of the registration.

6. The petitions are accordingly disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)