

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PRACHI PRANESH
NANDIWADEKAR
Digitally signed by
PRACHI PRANESH
NANDIWADEKAR
Date: 2024.02.16
14:36:16 +0530

WRIT PETITION NO.1148 OF 2005

M/s.Pioneer Distilleries Limited

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Ms.Megha Jani i/by Mr.D.B. Savant for the petitioner.

Mr.B.V. Samant, Addl.G.P. a/w Mr.S.P. Shetye, AGP for respondent-State.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 15th February 2024

PC:-

. On 31st January 2024, the learned counsel for the parties were granted time to examine as to whether points raised in this writ petition have been considered and decided by this Court in the Writ Petition No.12704 of 2023 (Parag Agro Foods & Allied Products Pvt. Ltd. Vs. The State of Maharashtra and Ors.) and Writ Petition No.1057 of 2006 (Jubilant Organosys Ltd. Vs. State of Maharashtra & Ors.) along with connected matters.

2. In the light of the aforesaid order, the learned counsel are *ad idem* that the provisions of Rules 23 to 62 of the Bombay Denatured Spirit Rules, 1959 have been struck down as ultra vires.

3. Since the validity of Rules 50, 52 and 59 of the said Rules was under challenge, we find that the aforesaid Rules have already been held to be unconstitutional in the judgments referred to herein.

4. Hence for the reasons recorded by this Court in its decision in *M/s. Arss Biofuel Pvt. Ltd. & Anr. Vs. State of Maharashtra & Ors.*¹, the writ petition is allowed in terms of prayer clause (a). Rule is made absolute in the above terms. No order as to costs.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.

¹ 2018 (5) ALL MR 541