

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S  
C I V I L A P P E A L N O ( s ) . 5 8 4 - 5 8 5 O F 2 0 0 5

S T A T E O F A . P . & A N R .

A p p e l l a n t ( s )

V E R S U S

C R A G M A R T I N D I S T I L L E R Y P V T . L T D .

R e s p o n d e n t ( s )

(With appln(s) for directions and office report)

- W I T H T . P . ( C ) N O . 9 7 3 o f 2 0 0 6 (With office report)
- W . P ( C ) N O . 4 7 5 o f 2 0 0 7 (With office report)
- W . P ( C ) N O . 2 5 3 o f 2 0 0 7 (With appln.(s) for stay and office report)
- C O N M T . P E T . ( C ) N O . 1 9 1 o f 2 0 0 6 i n I . A . N O S . 5 - 6 i n C A N O . 5 8 5 / 2 0 0 5

Date: 1 8 / 0 9 / 2 0 0 7 These Appeals were called on for hearing today.

C O R A M :

- H O N ' B L E M R . J U S T I C E H . K . S E M A
- H O N ' B L E M R . J U S T I C E L O K E S H W A R S I N G H P A N T A

F o r A p p e l l a n t ( s )

- Mr. Rakesh Dwivedi, Sr. Adv.
- Mr. Manoj Saxena, Adv.
- Mr. Rahul Shukla, Adv.
- Mr. Shantanu Krishna, Adv.
- Mr. T. V. George, Adv.

I n W P 2 5 3 / 0 7 & T P  
973/ 0 6

- Mr. R. K . K apoor, Adv.
- Mr. M. K. Verma, Adv.
- Mr. Anis Ahmed Khan, Adv.
- Mr. M. P. Vinod, Adv.

F o r R e s p o n d e n t ( s )

- Mr. S. Ganesh, Sr. Adv.
- Mr. Adhyaru Yash a n k P r a v i n , Sr. Adv.
- Mr. Ajay K. Jain, Adv.
- Mr. M. P. Vinod, Adv.
- Mr. T. V. George, Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g  
O R D E R

C . A . N o s . 5 8 4 - 5 8 5 / 2 0 0 5

The appeals are allowed in terms of the signed order.  
W . P . ( C ) N O . 4 7 5 / 2 0 0 7 & W . P . ( C ) N O . 2 5 3 / 2 0 0 7

New Rules namely, 'The Andhra P r a d e s h D i s t i l l e r y

.....2.

(Manufacture of Indian Made Foreign Liquor Other Than Beer And Wine) Rules, 2 0 0 6 , has been assailed in these writ petitions. For the reasons that the appeals were pending before this Court, notice was issued. We have disposed of the appeals. In view thereof, learned senior counsel for the petitioners submits that he may be allowed to withdraw these writ petitions with a liberty to challenge the same before the High Court of Andhra P r a d e s h . The prayer for withdrawal of these two writ petitions is allowed with a liberty to challenge the same before the High Court. All rights and contentions are left open to the parties to urge them before the High Court.

T. P.(C) NO.9 7 3 / 2 0 0 6

Counsel for the petitioner desires to withdraw this petition. Allowed to withdraw. Transfer petition is dismissed on withdrawal.

Contempt Petition(C) No.1 9 1 / 2 0 0 6

Contempt Petition is dismissed as not pressed.

( Ravi P. Verm a )  
Court Master

( Anand Singh )  
Court Master

[Signed order is placed on the file]  
IN TH E SU P R E M E COURT OF INDI A

CIVI L A P P E L L A T E JUR I S D I C T I O N

CIVI L A P P E A L NO. 5 8 4- 5 8 5 OF 2 0 0 5

STA T E OF ANDH R A PRAD E SH & .....A P P E L L A N T ( S )  
ANR.

Versus

CRAG MA R T I N DIS T I L L E R Y P V T . .....R E S P O N D E N T ( S )  
LT D.

WI T H  
T. P.(C) No.9 7 3 / 2 0 0 6  
W. P .(C) No.4 7 5 / 2 0 0 7  
W. P .(C) No.2 5 3 / 2 0 0 7  
CONT E M P T P E T I T I O N (C) NO.1 9 1 / 2 0 0 6

OR D E R

After hearing learned senior counsel on both sides at great length, and as agreed by both the sides, we have decided to dispose of these appeals by a short order.

Two appeals have been filed by the State of Andhra Pr adesh aggrieved by the judgment and order dated 1 2 / 0 9 / 2 0 0 3 passed by the High Court in batches of writ petitions. The respondents herein challenged the vires of the GOM No.1 6 8 dated 3 1 / 0 3 / 2 0 0 0 which is stated to have been taken by the Government as a policy decision. The respondents are particularly aggrieved by the contents of Clause (4) of the said policy decision. Clause (4) reads as under:-

"4. Modernisation and expansion of distilleries will be permitted to the extent of improving operational hygiency.

.....2.

No licence will be issued to set up a new IML Distillery, as existing distilleries after modernisation and expansion can meet demand within the State."

Application for grant of new licence to set up IML Distillery in the State of Andhra Pradesh has been refused by the State on the basis of Clause (4) of the policy decision, as quoted above. Being aggrieved by the decision of the State Government, the respondents filed writ petitions in the High Court. The High Court by the impugned order, allowed the petitions. Now, the State is before this Court in these appeals. During the pendency of these appeals, the Government has framed new rules called 'The Andhra Pradesh Distillery (Manufacture of Indian Made Foreign Liquor Other Than Beer And Wine) Rules, 2006'. The rules were published in the Extraordinary Government Gazette on 29 / 01 / 2007. In view of the enforcement of the new Rules, we do not feel it necessary to express any opinion on the merits of the cases as the High Court has struck down GOM No.168 dated 31 / 3 / 2000 which does not survive. Thus, the impugned order of the High Court has now become inoperative and ineffective and is, accordingly, set aside on this short point. The appeals are allowed. No costs.

.....3.

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W. P .(C) NO.475 / 2007 & W. P .(C) NO.253 / 2007

New Rules namely, 'The Andhra Pradesh Distillery (Manufacture of Indian Made Foreign Liquor Other Than Beer And Wine) Rules, 2006', has been assailed in these writ petitions. For the reasons that the appeals were pending before this Court, notice was issued. We have disposed of the appeals. In view thereof, learned senior counsel for the petitioners submits that he may be allowed to withdraw these writ petitions with a liberty to challenge the same before the High Court of Andhra Pradesh. The prayer for withdrawal of these two writ petitions is allowed with a liberty to challenge the same before the High Court. All rights and contentions are left open to the parties to urge

them before the High Court.

T. P.(C) NO.9 7 3 / 2 0 0 6

Counsel for the petitioner desires to withdraw this petition.

Allowed to withdraw. Transfer petition is dismissed on withdrawal.

Contempt Petition(C) No.1 9 1 / 2 0 0 6

Contempt Petition is dismissed as not pressed.

.....J .  
( H.K. S E M A )

New Delhi;  
September 1 8, 2 0 0 7 .

.....J .  
( LO K E S H W A R S I N G H P A N T A )