

2025 LiveLaw (SC) 800

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

PAMIDIGHANTAM SRI NARASIMHA; J., ATUL S. CHANDURKAR; J.

JULY 23, 2025.

CIVIL APPEAL NOS.4039-4053/2009

KOMALAN ETC. ETC.

versus

THE STATE OF KERALA REP. BY SECRETARY TAXES(A) DEPARTMENT AND ORS. ETC.

Kerala Abkari Shops (Disposal in Auction) Rules, 2002 - Rule 9(2) - Ethyl alcohol content in coconut toddy - Supreme Court on May 1, 2024, directed the government to reassess the appropriateness of 8.1% v/v limit for ethyl alcohol in coconut toddy - Expert Committee was constituted who recommended that maximum allowed ethyl alcohol content for self-produced alcohol from coconut palm today be 8.89% v/v at 15.56°C - Relying on this report Supreme Court held that prosecutions based on earlier assumption of an 8.1% v/v maximum ethyl alcohol content could not be sustained - Quashed 2007 Kerala Govt. Order capping coconut toddy alcohol content at 8.1% v/v. [Paras 2-5]

WITH C.A. Nos.8506-8508/2009 C.A. No. 8509/2009 C.A. Nos.5910-5911/2010 C.A. Nos.4986-4987/2009 C.A. No. 5391/2009 C.A. No. 5392/2009 C.A. No. 7650/2009 C.A. Nos.8337-8339/2009 C.A. No. 8652/2009 C.A. No. 8653/2009 C.A. Nos.1125-1129/2010 C.A. Nos.2245-2251/2010 C.A. Nos.4581-4593/2010 C.A. No. 4730/2010 C.A. No. 7345/2010 C.A. Nos.10054-10057/2010 C.A. Nos.2441-2442/2010 SLP(Cr) Nos.3263-3266/2011 C.A. No. 5078/2011 C.A. Nos. 7223-7224/2011 C.A. No. 6760/2012 S.L.P.(C)...CC No. 1233/2016

For Appellant(s): Mr. Roy Abraham, Adv. Ms. Reena Roy, Adv. Mr. Adithya Koshy Roy, Adv. Mr. Yaduinder Lal, Adv. Mr. Sarswata Mohapatra, Adv. Mr. Himinder Lal, AOR Mr. P V Dinesh, Sr. Adv. Mr. Anna Oommen, Adv. Ms. Anna Oommen, Adv. Mr. Nishe Rajen Shonker, AOR Ms. Sayed Nazarat Fatima, Adv. Mr. Ranjith K.C., AOR Mr. Vishal Arun, AOR M/S. Lawfic, AOR Mr. Bobby Augustine, Adv. Mr. Nitin Sharma, Adv. Mr. Vishnu Shankar M., Adv. Ms. Iram Naaz, Adv.

For Respondent(s) :Mr. S.P. Chaly, Sr. Adv. Mr. R. Sathish, AOR Mr. Ramesh Babu M. R., AOR Mr. Shibu Devasia Olickal, AOR Ms. Bina Madhavan, AOR Mr. P.V. Surendranath, Sr. Adv. Mr. Harshad V. Hameed, AOR Mr. Dileep Poolakkot, Adv. Ms. Ashly Harshad, Adv. Mr. Sawan Kumar Shukla, Adv. Ms. Lekha Sudhakaran, Adv. Mr. Jogy Scaria, AOR Mr. K. Rajeev, AOR Ms. Niveditha R Menon, Adv. Mr. Aditya Verma, Adv. Mr. Tarun Kumar, Adv. Mr. V.K. Biju, AOR Mr. G. Prakash, AOR Mr. Vivek Singh, AOR Mr. Abhishek Gupta, Adv. Mr. Ritik Dwivedi, Adv. Mr. Vivek Singh, AOR

ORDER

1. The present batch of Civil Appeals arises out of the decision of the Division Bench¹ affirming dismissal of the Writ Petitions² challenging large number of First Information Reports³ filed against the appellants for violation of the Rule 9(2) of the Kerala Abkari Shops (Disposal in Auction) Rules, 2002 (for short, “the Rules”).

2. During the pendency of the Civil Appeals, on 01.05.2024 we directed the Government to revisit the Rules to considering whether the Ethyl Alcohol in coconut toddy fixed at 8.1% v/v is appropriate or not. Today, Mr. Roy Abraham and Mr. S.P. Chaly, learned Senior Advocate for the State have placed before us a Government Order being G.O.(Rt)

¹ Dt. 03.04.2009

² Dt. 31.10.2007

³ F.I.R.

No.665/2025/TAXES dated 16.07.2025, as per which the maximum content of Ethyl Alcohol in coconut toddy is to be renotified. The relevant portion of the order is as under:

“ORDER

As per the Government Order read as 1 st paper above, Government have notified the strength and the character of toddy. It states that the ethyl alcohol content of coconut toddy shall not exceed 8.1% v/v. The order was challenged by Sri. Komalan, the then licensee of the toddy shop of group-1 of Thiruvananthapuram Range. Single bench of the Hon’ble High Court dismissed the writ petition. The petitioner filed Writ Appeal against the Single bench judgment. In that case the Hon’ble division bench of the High Court ordered that the strength of ethyl alcohol of toddy would not exceed 8.1% v/v. The Petitioner had filed Special Leave Petition before the Hon’ble Supreme Court against the judgment.

2. *The Hon’ble Supreme Court, as per the Order read as 2nd paper above has ordered the Government of Kerala to take the necessary decision for an in-depth study in a manner that the State considers fit and appropriate. On the basis of the report, the State shall consider revisiting the rules, if necessary, and consider fixing the strength of natural toddy. Hence, an in-depth study has become essential before finalizing the strength of toddy, since this has a direct bearing on public health.*

3. xxx xxx xxx

4. *As per the letter read as 4 th paper above, the Chairman of the Expert Committee, has submitted the final report on the potency of self produced alcohol from natural toddy. Based on the findings of the experimental investigations conducted on coconut palm toddy samples collected from across Kerala under the supervision of the officials of the Excise Department and analyzed at the three regional laboratories of the Chief Chemical Examiner to the Government of Kerala, using standardized and validated methods, along with a review of relevant scientific literature, the Expert Committee has recommended the following specification for the potency of self-produced alcohol from coconut palm toddy:*

‘The maximum allowed ethyl alcohol content (% v/v at 15.56° C): 8.98’

5. *Government have examined the matter in detail and are pleased to approve the report regarding the potency of self produced alcohol from natural toddy submitted by the Expert Committee constituted as per the Government Order read as 3rd paper above.”*

3. In view of the above clarity by virtue of the Expert Committee report, prosecutions based on the assumption that the maximum ethyl alcohol content of coconut toddy shall not exceed 8.1% v/v cannot be sustained. In this view of the matter, the impugned G.O. (P) No.25/2007/TD dated 14.02.2007 in S.R.O. No. 145/2007 fixing the Ethyl Alcohol in coconut toddy content at 8.1% is set aside. Consequently, all prosecutions initiated on the basis of the said S.R.O. No.145/2007 stand quashed.

4. With these directions, the Civil Appeals and the Special Leave Petitions are disposed of.

5. Pending application(s), if any, shall stand disposed of.