



2025:KER:98028

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 19TH DAY OF DECEMBER 2025 / 28TH AGRAHAYANA, 1947

WP (PIL) NO. 54 OF 2025

PETITIONER:

ASSEMBLY OF CHRISTIAN TRUST SERVICES,
REPRESENTED BY ITS GENERAL SECRETARY,
GEORGE SEBASTIAN,
AGED 67 YEARS,
S/O P.V. GEORGE, RESIDENT OF B-BLOCK-A, PLANET-X.,
SREEDHANYA HOMES, KALLAMPALLY, SREEKARIYAM,
MEDICAL COLLEGE P.O., THIRUVANATHAPURAM, KERALA,
PIN - 695011.

BY ADV SHRI. THOMAS JACOB

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.
- 2 THE EXCISE COMMISSIONER,
VIKAS BHAVAN P.O., NANDAVANAM,
THIRUVANANTHAPURAM, PIN - 695003.
- 3 MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JAL BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033.
- 4 THE DISTRICT COLLECTOR
CIVIL STATION, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678013.



- 5 THE SUPERINTENDENT ENGINEER,
KERALA WATER AUTHORITY, KWA OFFICE, KALMANDAPAM,
PALAKKAD, PIN - 678001.
- 6 THE DISTRICT FIRE OFFICER,
KERALA FIRE & RESCUE SERVICES,
DURGA NAGAR, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678001.
- 7 INSPECTOR OF FACTORIES & BOILERS GRADE-I,
CIVIL STATION, PALAKKAD,, PIN - 678001.
- 8 JOINT DIRECTOR,
LOCAL SELF GOVERNMENT DEPARTMENT CIVIL STATION,
PALAKKAD, PIN - 678001.
- 9 THE SECRETARY
ELAPULLY GRAMA PANCHAYATH, ELAPPULLY, PALAKKAD,
PIN - 678622.
- 10 THE CHAIRMAN & MANAGING DIRECTOR,
M/S OASIS COMMERCIAL PVT. LTD., REGISTERED OFFICE AT
VILLAGE JATWAR, TEHSIL NARAINGARH, AMBALA DISTRICT,
HARYANA, PIN - 134201.

BY ADVS.
SRI.JUSTINE JACOB
SRI.M.KRISHNAKUMAR

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR HEARING ON 19.12.2025, ALONG WITH WP(PIL).20/2025, 51/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2025:KER:98028

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 19TH DAY OF DECEMBER 2025 / 28TH AGRAHAYANA, 1947

WP(PIL) NO. 20 OF 2025

PETITIONER:

SREEJITH. S
AGED 34 YEARS
S/O. SUSHILA.V, KOOLIOYODE, ELUPPULLY,
PALAKKAD DISTRICT, PIN - 678622.

BY ADVS.
SRI.K.P.PRASANTH
SMT.SUNITHA K.G.
SHRI.P.S.BIJU

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANTHAPURAM, PIN - 695001.
- 2 THE EXCISE COMMISSIONER,
VIKAS BHAVAN.P.O, NANDAVANAM, THIRUVANANTHAPURAM,
PIN - 695003.
- 3 MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JALABHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033.
- 4 THE SECRETARY,
ELUPULLY GRAMAPANCHAYAT ELAPPULLY, PALAKKAD,
PIN - 678622.



- 5 THE DIRECTOR,
ENFORCEMENT DIRECTORATE, PRAVARTHANBHAVAN, APJ ABDUL
KALAM ROAD, NEW DELHI, PIN - 110001.
- 6 THE DISTRICT COLLECTOR,
QM65+C3P, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678013.
- 7 THE SUPERINTENDENT ENGINEER,
KERALA WATER AUTHORITY, KERALA WATER AUTHORITY OFFICE,
KALMANDAPAM, PALAKKAD, PIN - 678001.
- 8 THE DISTRICT FIRE OFFICER,
KERALA FIRE AND RESCUE SERVICES, DURGA NAGAR,
KENATHUPARAMBU KUNATHURMEDU PALAKKAD, PIN - 678001.
- 9 INSPECTOR OF FACTORIES AND BOILERS GRADE-1,
CIVIL STATION, PALAKKAD., PIN - 678001.
- 10 JOINT DIRECTOR,
LOCAL SELF-GOVERNMENT DEPARTMENT, CIVIL STATION,
PALAKKAD., PIN - 678001.
- 11 THE CHAIRMAN AND MANAGING DIRECTOR,
M/S. OASIS COMMERCIAL PVT. LTD, REGISTERED OFFICE AT
VILLAGE JATWAR, TEHSIL NARAINGARH- DISTRICT, AMBALA,
HARYANA., PIN - 134201.

BY ADVS.

SHRI.RAJESH SIVARAMANKUTTY
SRI.M.KRISHNAKUMAR
SHRI.THOMAS JACOB
SHRI.S.KANNAN, SENIOR G.P.
SRI.ARUL MURALIDHARAN
SRI.SONU AUGUSTINE
SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME
UP FOR HEARING ON 19.12.2025, ALONG WITH WP(PIL).54/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2025:KER:98028

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 19TH DAY OF DECEMBER 2025 / 28TH AGRAHAYANA, 1947

WP(PIL) NO. 51 OF 2025

PETITIONER:

SANTHOSH PALLATHERI,
AGED 47 YEARS,
S/O SHRI VELU, RESIDING AT NALLAMPARAICKAL HOUSE,
ELAPPALLY -2 VILLAGE, PALAKKAD TALUK, PALAKKAD
DISTRICT, PIN - 678007.

BY ADV SHRI.V.PRAVEEN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.
- 2 THE EXCISE COMMISSIONER,
VIKAS BHAVAN P.O., NANDAVANAM, THIRUVANANTHAPURAM,
PIN - 695003.
- 3 MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JAL BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM-, PIN - 695033.
- 4 THE DISTRICT COLLECTOR,
CIVIL STATON, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678013.
- 5 THE SUPERINTENDENT ENGINEER,
KERALA WATER AUTHORITY, KWA OFFICE, KALMANDAPAM,
PALAKKAD,, PIN - 678001.



- 6 THE DISTRICT FIRE OFFICER, KERALA FIRE & RESCUE SERVICES,
DURGA NAGAR, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678001.
- 7 INSPECTOR OF FACTORIES & BOILERS GRADE-I,
CIVIL STATION, PALAKKAD, PIN - 678001.
- 8 THE JOINT DIRECTOR,
LOCAL SELF GOVERNMENT DEPARTMENT, CIVIL STATION,
PALAKKAD, PIN - 678001.
- 9 THE SECRETARY,
ELAPULLY GRAMA PANCHAYATH, ELAPPULLY, PALAKKAD,
PIN - 678622.
- 10 THE CHAIRMAN & MANAGING DIRECTOR,
M/S OASIS COMMERCIAL PVT. LTD., REGISTERED OFFICE AT
VILLAGE JATWAR, TEHSIL NARAINGARH, AMBALA DISTRICT,
HARYANA,, PIN - 134201.

BY ADVS.

SRI.JUSTINE JACOB
SRI.M.KRISHNAKUMAR
SHRI.N.MANOJ KUMAR, STATE ATTORNEY

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR HEARING ON 19.12.2025, ALONG WITH WP(PIL).54/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2025:KER:98028

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 19TH DAY OF DECEMBER 2025 / 28TH AGRAHAYANA, 1947

WP(PIL) NO. 53 OF 2025

PETITIONERS:

RAMESHAN D
AGED 58 YEARS
S/O SHRI DHANDAPANI, RESIDING AT USHA NOVAS,
EDUPPUKULAM, ELAPPALLY -I VILLAGE, PALAKKAD TALUK,
PALAKKAD DISTRICT, PIN - 678556.

BY ADV SRI.SONU AUGUSTINE

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.
- 2 THE EXCISE COMMISSIONER,
VIKAS BHAVAN P.O., NANDAVANAM, THIRUVANANTHAPURAM,
PIN - 695003.
- 3 MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JAL BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033.
- 4 THE DISTRICT COLLECTOR,
CIVIL STATON, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD,
PIN - 678013.



- 5 THE SUPERINTENDENT ENGINEER,
KERALA WATER AUTHORITY, KWA OFFICE, KALMANDAPAM,
PALAKKAD, PIN - 678001.
- 6 THE DISTRICT FIRE OFFICER,
KERALA FIRE & RESCUE SERVICES, DURGA NAGAR,
KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD, PIN - 678001.
- 7 INSPECTOR OF FACTORIES & BOILERS GRADE-I,
CIVIL STATION, PALAKKAD, PIN - 678001.
- 8 JOINT DIRECTOR,
LOCAL SELF GOVERNMENT DEPARTMENT, CIVIL STATION,
PALAKKAD, PIN - 678001
- 9 THE SECRETARY,
ELAPULLY GRAMA PANCHAYATH, ELAPPULLY, PALAKKAD,
PIN - 678622.
- 10 THE CHAIRMAN AND MANAGING DIRECTOR,
M/S OASIS COMMERCIAL PVT. LTD., REGISTERED OFFICE AT
VILLAGE JATWAR, TEHSIL NARAINGARH, AMBALA DISTRICT,
HARYANA,, PIN - 134201.

BY ADVS.

SRI.JUSTINE JACOB
SRI.M.KRISHNAKUMAR
SHRI.S.KANNAN, SENIOR G.P.

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR HEARING ON 19.12.2025, ALONG WITH WP(PIL).54/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 19TH DAY OF DECEMBER 2025 / 28TH AGRAHAYANA, 1947

WP(PIL) NO. 99 OF 2025

PETITIONERS:

- 1 VIJAYAKUMAR C,
AGED 44 YEARS,
S/O. CHAMY, RESIDING AT MANNUKKAD PALACHIRA,
VENGOTTY P.O., PALAKKAD DISTRICT, PIN - 678622.
- 2 JOHN JOSEPH,
AGED 73 YEARS,
ADVOCATE, S/O. V.E. JOSEPH, RESIDING AT FLAT NO: 8B,
SILICON HEIGHTS, ASSET HOMES APARTMENT, VSNL ROAD,
KAKKANAD, KOCHI, PIN - 682030.

BY ADVS.
SMT.ALINA ANNA KOSE
SMT.THANUJA ROSHAN
SHRI.M.R.HARIRAJ (SR.)

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANTHAPURAM, PIN - 695001.
- 2 SECRETARY,
GOVERNMENT OF KERALA, DEPARTMENT OF LOCAL SELF
GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANTHAPURAM,
PIN - 695001.



- 3 THE EXCISE COMMISSIONER,
NANDAVANAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM,
PIN - 695003.
- 4 THE DIRECTOR,
DEPARTMENT OF TOWN & COUNTRY PLANNING,
THIRUVANANTHAPURAM, PIN - 695033.
- 5 THE DISTRICT TOWN PLANNER,
OFFICE OF THE JOINT DIRECTOR (PLANNING),
DEPARTMENT OF LOCAL SELF GOVERNMENT, CIVIL STATION,
PALAKKAD, PIN - 678001.
- 6 THE DISTRICT COLLECTOR
PALAKKAD DISTRICT COLLECTORATE, QM65+C3P,
KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD, KERALA,
PIN - 678013.
- 7 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, KWA OFFICE, KALMANDAPAM,
PALAKKAD, PIN - 678001.
- 8 ELAPPULLY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, ELAPPULLY, PALAKKAD,
PIN - 678622.
- 9 THE PRESIDENT,
ELAPPULLY GRAMA PANCHAYATH, ELAPPULLY, PALAKKAD,
PIN - 678622.
- 10 THE CHAIRMAN & MANAGING DIRECTOR,
M/S. OASIS COMMERCIAL PVT. LTD., REGISTERED OFFICE AT
VILLAGE JATWAR, TEHSIL NARAIN GARH, AMBALA DISTRICT,
HARYANA, PIN - 134201.

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR HEARING ON 19.12.2025, ALONG WITH WP(PIL).54/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2025:KER:98028

**SATHISH NINAN &
P. KRISHNA KUMAR, JJ.**

=====
W.P.(PIL) Nos.54, 20, 51, 53 & 99 of 2025

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Dated this the 19th day of December, 2025

J U D G M E N T

Sathish Ninan, J.

These writ petitions are filed as Public Interest Litigations by the residents of Elappully Grama Panchayat, Palakkad District, either individually or through association. Their common grievance and challenge is against the Government Order No.45/2025/TAXES dated 16.01.2025(marked as Ext.P1 in the writ petitions except W.P(PIL)20/2025 wherein it is Ext.P3) granting “preliminary sanction” to a Private Limited Company, M/s Oasis Commercial Pvt. Ltd. (hereinafter referred to as, “the Company”) for the establishment of an Ethanol plant, Multi-feed distillation unit, Indian Made Foreign Liquor bottling unit, Brewery, Malt Spirit plant and Brandy/Winery Plant at Kanjikode, in Palakkad district.



-: 2 :-

2. The Company submitted an application dated 30.11.2023 to the Commissioner of Excise, seeking permission to install 500 KL capacity ethanol-cum-multi-feed distillation and IMFL bottling unit, brewery, malt plant, winery and grape spirit plant. The investment is to be approximately of 600 crores.

3. The Excise Commissioner forwarded the application to the Government, along with his recommendation dated 06.02.2024, to give initial sanction for the project. The recommendation was supported by the reports of the Deputy Excise Commissioner, Palakkad, dated 08.12.2023 and of the Joint Excise Commissioner, Central Zone dated 19.01.2024. The Government, after considering the recommendation, issued the impugned order granting “preliminary sanction” for the establishment.

4. We have heard the learned Senior Counsel Sri.M.R.Hariraj, and Sri.Thomas Jacob and Sri.P.S.Biju, learned counsel for the respective petitioners, Sri.S.Kannan, learned Senior Government Pleader and Sri.M.Krishna Kumar and Sri.Justine Jacob, learned counsel for the respective respondents. We have also considered the rival pleadings and also perused the related Government file which was provided to us by the learned Senior Government leader.



-: 3 :-

5. The learned Senior Counsel contended that the Government Order granting “preliminary sanction” has no legal backing. The Government Order pre-empts the statutory authorities and the Local Self Government Institutions from exercising powers vested in them under the relevant statutes with regard to grant of various statutory sanctions.

6. The petitioners allege that the inputs, which have been taken into consideration by the Government while granting sanction, are factually incorrect. The Government Order has been issued on the premise that the Unit is sought to be established at Kanjikode industrial area. As is evident from the materials, the property upon which the Unit is sought to be established is situated at Elappully Grama Panchayat which is approximately 5 kilometres away from Kanjikkode.

7. Palakkad is a dry area. The proposed unit would require at least 5000 KL water per day which would result in depletion of ground water, putting life of the inhabitants at peril. It is also alleged that, without consideration of the aforesaid fact the Kerala Water Authority has agreed that they would spare the required water for the project. It is also pointed out that the



-: 4 :-

said consent was granted by the water authority as per its letter dated 16.06.2023 upon the application submitted by the Company to the Water Authority on the same day.

8. It is also contended that, the Government while granting sanction, has taken into consideration the representation by the Company that it has been shortlisted by the Oil Marketing Companies under the National Policy on Bio-fuels, regarding usage of ethanol blended petrol. The agreement, a copy of which has been produced in the writ petitions, required the entire quantity of ethanol manufactured in the unit to be supplied to the oil marketing companies. Thus, the sanction granted to the Company is upon mis-comprehension of the facts, is the allegation.

9. The Company has refuted all the allegations.

10. We proceed to consider the contentions one by one.

Section 14 of the Abkari Act reads thus: -

“14. Establishment and control of distilleries, breweries, warehouses, etc.—

The Commissioner may, with the previous approval of the Government—

(a) establish public distilleries, breweries or wineries, or authorise the establishment of private distilleries, breweries, wineries or other manufactories in which liquor may be manufactured under a licence granted under this Act;

(b) establish public warehouses or authorise the establishment of private warehouses wherein liquor may be deposited and kept with or without payment



-: 5 :-

of duty under a licence granted under this Act;

(c) discontinue any public or private distillery, brewery, winery or other manufactory or warehouse so established;

(d) prescribe the mode of supervision that may be necessary in a distillery, brewery, winery or other manufactory or warehouse so established, or in any other manufactory where preparations containing liquor or intoxicating drugs are manufactured, to ensure the proper collection of duties, taxes and other dues payable under this Act or the proper utilisation of liquor or intoxicating drugs;

(e) prescribe the size and nature of the establishment necessary for such supervision and the cost of the establishment and other incidental charges in connection with such supervision to be realised from the licensees; and

(f) prescribe the allowance for wastage of alcohol that may occur in—

(i) the process of manufacture of alcohol;

(ii) the process of manufacture of any preparation containing alcohol;

and

(iii) the storage, transport and use of non-duty paid alcohol.”

The Section contemplates the previous approval of the Government, before grant of a licence by the Commissioner, for establishment of distilleries and other Units. The Company submitted an application dated 30.11.2023 to the Commissioner of Excise for approval and Letter Of Intent for setting up of the Unit. On obtaining reports from the Deputy Excise Commissioner and Joint Excise Commissioner, the Commissioner, as per letter dated 06.02.2024, recommended to the Government for grant of initial



-: 6 :-

sanction for the Unit. It is upon the same that the impugned Government order has been issued. It can only be held that the sanction granted is, the previous approval as contemplated under Section 14 of the Abkari Act.

11. The learned Senior Counsel would argue that the Company had not even submitted applications before the statutory authorities including the Panchayat for licence and construction of the Unit. Even without that they have proceeded to obtain a licence under the Abkari Act. The Government sanction is in broad terms, foreclosing the statutory rights and obligations of the authorities who are under the Statutes mandated to consider various aspects with regard to establishment of the Unit, it is argued.

12. We are unable to agree with the afore contention. Unless the prior approval of the Government in terms of Section 14 is obtained, there is no point in the Company seeking for sanction from the other authorities for going ahead with the project. So also, the Government Order does not indicate that the duties and powers of the various statutory authorities in connection with the establishment of the Unit have been interfered with. The mere



-: 7 :-

fact that the Cabinet had taken the decision does not warrant a conclusion otherwise. Even that apart, such rights could not be foreclosed through a Government Order. Therefore, such apprehension is misconceived.

13. Now we proceed to consider the factual aspects. the Government Order granting preliminary sanction mentions “Kanjikode” as the location of the site. At paragraph 1 and 4 of the Government Order it is stated so. At paragraph 3 it is stated that the Company has 24 acres of property adjacent to the Kanjikode industrial area. In the notes for the cabinet meeting also, the location of the proposed Unit is stated to be at Kanjikode. We do notice that, therein also, at one place it is mentioned as 24 acres adjoining the Kanjikode industrial area. The contention of the petitioners that, the property pointed out by the Company is situated in a different Panchayat viz. Elappully Grama Panchayat, is not disputed by the respondents.

14. The petitioners allege that establishment of the Unit will aggravate the water scarcity, which is already a matter of serious concern in the Palakkad district. The Unit would require 5000 KL of water per day. Extraction of such quantity of water



-: 8 :-

would have serious consequence on water scarcity and the life of the residents of the locality. With regard to the source of water for the Unit, the Government Order referred to the sanction given by the Kerala Water Authority agreeing to provide necessary quantity of water, and also the rain water harvesting project proposed by the Company. The Government Order observes that the exploitation of ground water would thus be avoided.

15. The petitioners have produced a communication dated 16.06.2023 issued by the Kerala Water Authority to the Company. The communication refers to the application submitted by the Company for the establishment of ethanol manufacturing Unit at Elappully Panchayat under the Central Government Scheme for production and supply of ethanol for blending with transportation fuel. In the communication, the water authority has stated that sufficient quantity of water can be spared for the project from the KINFRA water supply scheme implemented by them. The letter reads thus: -

“Kerala Water Authority has been asked to give water consent of sufficient quantity for your upcoming project in Elappally for tender participation with Oil Companies for signing Expression of Interest vide reference cited. I would like to inform you that water can be spared to the upcoming project from the KINFRA



-: 9 :-

Water supply scheme implemented by KWA.”

Evidently, the Water Authority has agreed to supply water for the proposed Unit of the Company. The Kerala Water Authority, through its Superintending Engineer, has filed a counter affidavit in the writ petition. Therein, after referring to the letter dated 16.06.2023 it is stated,

“This reply was issued solely to enable the firm to participate in tenders floated by oil companies, specifically for submitting an Expression of Interest through e-tender. However, a formal water consent has not been issued to M/s Oasis Commercial Pvt. Ltd. as the KINFRA Water Supply Scheme is not yet fully commissioned.”.

Again at paragraph 7 of the counter it is stated thus: -

“It is reiterated that the reply issued by the Kerala Water Authority on 16/06/2023 was only an indication of the possible availability of water after the successful commissioning of the KINFRA Water Supply Scheme. The actual feasibility of providing water can be determined only after the full completion of the said project. Hence, no binding or conclusive consent was given to the petitioner.”

While we notice that explicit consent was given under the letter dated 16.06.2023, the attempt in the counter affidavit is to shrug off from the commitment. We refrain from making any further observations on that. Suffice to notice that, there is no consent from the Kerala Water Authority with regard to the supply of water for the proposed Unit.



-: 10 :-

16. Incidentally we do also notice that, the letter of consent dated 16.06.2023 was given by the Kerala Water Authority to the Company on the very same day on which the Company gave letter to the Kerala Water Authority seeking consent.

17. It is not evident as to what audit was done by the Kerala Water Authority before issuing such consent. Though the learned counsel for the Company would submit that letter by the Kerala Water Authority was only to enable the Company to take part in the process of selection under the Central Government Scheme, it is hardly an explanation. As noticed by us above, the Government Order under challenge has specifically reckoned the consent given by the Kerala Water Authority also.

18. During the course of the arguments the learned counsel for the Company submitted that the Company would procure water from other sources apart from the rain water harvesting project proposed by them. They would even purchase water or bring it from adjoining State, it is argued. We do not think that such factual aspects fall for determination by this Court, at this stage. That huge quantities of water would be required for the project, is not in dispute. The Company claims that it will find its own



-: 11 :-

sources for the water and will not rely on ground water or the supply of water by the Kerala Water Authority for the same. We only notice that the Government Order, while granting the preliminary sanction, had within its zone of consideration the consent given by the Kerala Water Authority and had reckoned the same.

19. The fact that the Company was shortlisted in the tender invited under the Central Government Scheme viz. E20-Programme for production and supply of ethanol for blending with transportation fuel, is not in dispute. The Government Order indicates that the same was reckoned for counting the experience of the Company in the field.

20. The Company has entered into an agreement dated 02.07.2024 with the various Petroleum Corporations under the scheme, for supply of ethanol from their proposed Unit at Elappully village. Clause 1.1.1 of the agreement dated 02.07.2024 provides for setting up of a dedicated ethanol plant, the produce from which would be supplied in its entirety to the oil marketing companies. The clause reads thus: -



-: 12 :-

“1.1.1 Dedicated Ethanol Plant (DEP): These ethanol plants will only produce ethanol (as per prevalent BIS specifications) and all of the quantity produced in this unit would be supplied to Buyer/OMC's only. In case a new dedicated ethanol plant is setup in the same premises where the existing distillery is operating (or is set up as a new distillery), the ethanol plant should be clearly identifiable as a separate unit. Processing units and storage area of ethanol have to be separate for the dedicated ethanol plant. The non-production facilities, however, can be shared. Necessary certification of such plants by appropriate authorities in required.”

The steps taken by the Company pursuant to the agreement above, is not on record.

21. The Government Order also indicates that the Government, while granting preliminary sanction, had due consideration to the liquor policy of the year 2023-24.

22. On the above discussions we find that, various factors which weighed with the Government while issuing Ext.P1 Government Order, are not factually correct in its entirety. Therefore, the Government Order issued based on such facts is liable to be quashed.

23. The respondents challenged the bona fides of the writ petitioners, essentially by pointing out that three distillers



-: 13 :-

were sanctioned by the Government in the year 2025 and that the objection raised is only against the Company and not against others. The petitioners pointed out that the present proposed Unit is at Elappully Panchayat and that the petitioners are residents of the Panchayat. Considering the cause voiced and the other materials, we do not find any reason to doubt the locus of the petitioners.

In the result, the writ petitions are allowed. The Government Order No.45/2025/TAXES dated 16.01.2025 granting preliminary sanction to the Company, for establishment of Ethanol Unit will stand quashed. However, this will not preclude a fresh consideration of any application, by the Government, if made, on the basis of the necessary inputs.

Sd/-
SATHISH NINAN
JUDGE

Sd/-
P. KRISHNA KUMAR
JUDGE

kns/-

//True Copy//

P.S. To Judge

APPENDIX OF WP(PIL) NO. 54 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SAID ORDER DATED 16-01-2025 PASSED BY THE 1ST RESPONDENT AND ITS ENGLISH TRANSLATION
- Exhibit P2 TRUE COPY OF THE 'LONG TERM OFF TAKE AGREEMENT ENTERED INTO ON 02-07-2024
- Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 10TH RESPONDENT DATED 18-09-2024 TO THE 4TH RESPONDENT
- Exhibit P4 TRUE COPY OF THE LETTER DATED 16.06.2023 OF THE 10TH RESPONDENT SUBMITTED TO THE 5TH RESPONDENT
- Exhibit P5 TRUE COPY REPLY DATED 16.06.2023 OF THE 5TH RESPONDENT TO THE 10TH RESPONDENT
- Exhibit P6 TRUE COPY OF THE 'WATER CONSUMPTION IN THE PRODUCTION OF ETHANOL AND PETROLEUM GASOLINE'
- Exhibit P7 TRUE COPY OF THE EXCERPTS FROM A DETAILED STUDY MADE BY SASTHRA VEDI
- Exhibit P8 TRUE COPY OF EXCERPTS FROM A COMPREHENSIVE STUDY OF GOVERNMENT OF INDIA / NITI AYOJ TITLED 'ROADMAP FOR ETHANOL BLENDING IN INDIA 2020-25
- Exhibit P9 TRUE COPY OF THE GAZETTE NOTIFICATION DATED 18.02.2022 ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P10 TRUE COPY OF THE RESOLUTION PASSED BY ELAPULLY GRAMA PANCHAYATH ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P11 TRUE COPY OF THE ORDER DATED 26/05/2025 IN WP (PIL) 20/2025

RESPONDENT EXHIBITS

- EXHIBIT R10A PHOTOGRAPH OF THE ARTIFICIAL RAIN WATER HARVESTING LAKE CONSTRUCTED BY THE AHALYA HEALTH, HERITAGE AND KNOWLEDGE VILLAGE (AHHKV)
- EXHIBIT R10B PHOTOGRAPH OF A RAINWATER HARVESTING TANK SITUATED IN TAMILNADU.
- EXHIBIT R10C TRUE COPY OF OFFICE MEMORANDUM OF GOVERNMENT INDIA, MINISTRY OF CONSUMER AFFAIRS, F AND PD DATED 29.08.2024.
- EXHIBIT R10D TRUE COPY OF THE GOVERNMENT ORDER, GO (MS) NO 236 OF 2022 RD DATED 12.10.2022.



APPENDIX OF WP(PIL) NO. 20 OF 2025

PETITIONER EXHIBITS

- Exhibit-P1 TRUE COPY OF THE APPLICATION DATED 16/06/2023 SUBMITTED BY THE RESPONDENT NO. 11 BEFORE RESPONDENT NO. 7.
- Exhibit-P2 TRUE COPY OF THE CONSENT LETTER DATED 16/06/2023 ISSUED TO THE RESPONDENT NO. 11 BY RESPONDENT NO. 7.
- Exhibit-P3 TRUE COPY OF THE ORDER DATED 16/01/2025 PASSED BY THE RESPONDENT NO. 1
- Exhibit-P4 TRUE COPY OF THE LETTER DATED 19/03/2025 ALONG WITH THE DOCUMENTS ISSUED BY RESPONDENT NO. 6 TO RESPONDENT NOS. 8 TO 10.
- Exhibit-P5 TRUE COPY OF THE REPRESENTATION DATED 20/03/2025 FILED BY THE PETITIONER BEFORE THE RESPONDENTS NO. 1 TO 3.

RESPONDENT EXHIBITS

- EXHIBIT R11A PHOTOGRAPH OF THE ARTIFICIAL RAINWATER HARVESTING LAKE CONSTRUCTED BY THE AHALIA HEALTH,HERITAGE AND KNOWLEDGE VILLAGE (AHHKV)
- EXHIBIT R11B PHOTOGRAPH OF A RAINWATER HARVESTING TANK SITUATED IN TAMILNADU
- EXHIBIT R11D TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS) NUMBER 236 OF 2022RD DATED 12.10.2022
- EXHIBIT R11C TRUE COPY OF THE OFFICE MEMMORANDUM OF THE GOVERNMENT OF INDIA, MINISTRY OF CONSUMER AFFAIRS F AND PD DATED 29.08.2024.

APPENDIX OF WP(PIL) NO. 51 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SAID ORDER DATED 16-01-2025 PASSED BY THE 1ST RESPONDENT AND ITS ENGLISH TRANSLATION
- Exhibit P2 TRUE COPY OF THE LONG TERM OFF TAKE AGREEMENT ENTERED INTO ON 02-07-2024
- Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 10TH RESPONDENT DATED 18-09-2024 TO THE 4TH RESPONDENT
- Exhibit P4 TRUE COPY OF THE LETTER DATED 16.06.2023 OF THE 10TH RESPONDENT SUBMITTED TO THE 5TH RESPONDENT
- Exhibit P5 TRUE COPY OF THE REPLY DATED 16.06.2023 OF THE 5TH RESPONDENT TO THE 10TH RESPONDENT
- Exhibit P6 TRUE COPY OF A DETAILED STUDY ON WATER CONSUMPTION IN THE PRODUCTION OF ETHANOL
- Exhibit P7 TRUE COPY OF THE EXCERPTS FROM A DETAILED STUDY MADE BY SASTHRA VEDI
- Exhibit P8 TRUE COPY OF THE EXCERPTS FROM A COMPREHENSIVE STUDY OF GOVERNMENT OF INDIA / NITI AYOJ TITLED 'ROADMAP FOR ETHANOL BLENDING IN INDIA 2020-25
- Exhibit P9 TRUE COPY OF THE GAZETTE NOTIFICATION DATED 18.02.2022 ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P10 TRUE COPY OF THE RESOLUTION DATED 20.01.2025 PASSED BY ELAPPALLY GRAMA PANCHAYATH ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT P11 TRUE COPY OF THE PROCEEDINGS OF THE TOWN PLANNER DATED 06-06-2025 ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT P12 TRUE COPY OF THE LETTER ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT P13 TRUE COPY OF THE LETTER DATED 17.07.2025 ALONG WITH ITS ENGLISH TRANSLATION.



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APPENDIX OF WP(PIL) NO. 53 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER DATED 16-01-2025 PASSED BY THE 1ST RESPONDENT AND ITS ENGLISH TRANSLATION
- Exhibit P2 TRUE COPY OF THE 'LONG TERM OFF TAKE AGREEMENT ENTERED INTO ON 02-07-2024
- Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 10TH RESPONDENT DATED 18-09-2024 TO THE 4TH RESPONDENT
- Exhibit P4 TYPED COPY AND TRUE COPY OF THE LETTER DATED 16-06-2023 OF THE 10TH RESPONDENT SUBMITTED TO THE 5TH RESPONDENT
- Exhibit P5 TYPED COPY AND TRUE COPY OF REPLY DATED 16.06.2023 OF THE 5TH RESPONDENT TO THE 10TH RESPONDENT
- Exhibit P6 TRUE COPY OF THE '‘WATER CONSUMPTION IN THE PRODUCTION OF ETHANOL AND PETROLEUM GASOLINE'
- Exhibit P7 TRUE COPY OF EXCERPTS FROM A DETAILED STUDY MADE BY SASTHRA VEDI
- Exhibit P8 TRUE COPY OF EXCERPTS FROM A COMPREHENSIVE STUDY OF GOVERNMENT OF INDIA / NITI AYOJ TITLED '‘ROADMAP FOR ETHANOL BLENDING IN INDIA 2020-25
- Exhibit P9 TRUE COPY OF THE GAZETTE NOTIFICATION DATED 18.02.2022 ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P10 TRUE COPY OF THE RESOLUTION PASSED BY ELAPULLY GRAMA PANCHAYATH ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P11 TRUE COPY OF THE REPRESENTATION DATED 20-03-2025 FILED BEFORE RESPONDENTS 1TO 3 AND ITS ENGLISH TRANSLATION
- Exhibit P13 TRUE COPY OF THE LETTER DATED 10.07.2025 ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P14 TRUE COPY OF THE LETTER DATED 17.07.2025 ALONG WITH ITS ENGLISH TRANSLATION IS ATTACHED
- Exhibit P12 TRUE COPY OF THE PROCEEDINGS OF THE TOWN PLANNER DATED 06-06-2025 ALONG WITH ITS ENGLISH TRANSLATION ARE ATTACHED.



APPENDIX OF WP(PIL) NO. 99 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPIES OF THE SAID ORDER NO. G.O. (RT.) NO. 45/2025/TAXES DATED 16.01.2025 ISSUED BY THE 1ST RESPONDENT CONTAINING THE DECISION OF THE COUNCIL OF MINISTERS, ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P2 TRUE COPIES OF THE RESOLUTION DATED 20.01.2025 PASSED BY THE 8TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P3 TRUE COPY OF THE PROCEEDINGS DATED 06.06.2025 NUMBERED LSGD/JD/PKD/3732/2025-PLG2 OF THE 5TH RESPONDENT, ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P4 A TRUE COPY OF THE APPLICATION DATED 18.09.2024 SUBMITTED BY THE 10TH RESPONDENT TO THE 6TH RESPONDENT SEEKING EXEMPTION UNDER SECTION 81(3) OF THE KERALA LAND REFORMS ACT, 1963
- Exhibit P5 A PHOTOCOPY OF THE LETTER OF CONSENT DATED 16.06.2025 ISSUED BY THE 7TH RESPONDENT
- Exhibit P6 TRUE COPY OF THE EXTRACTS OF MINUTES OF THE 41ST MEETING OF KERALA STATE SINGLE WINDOW CLEARANCE BOARD (KSSWCB) CHAIRED BY CHIEF SECRETARY, HELD AT 11.30 AM ON 21ST OCTOBER 2025
