

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST**  
**REPUBLIC OF SRI LANKA**

**CA Writ 537/2009**

General Sales Company (Pvt) Ltd  
No 07, Station Road  
Colombo - 03

**PETITIONER**

**Vs.**

1. P. Yoganathan  
Deputy Director of Customs  
Inquiring Officer  
Sri Lanka Customs  
Customs House, Colombo-01

2. The Director General of Customs  
Sri Lanka Customs  
Customs House, Colombo-01

**RESPONDENTS**

**C.A.No 537/2009(Writ)**

BEFORE : A. H.M.D. NAWAZ, J. &  
P. PADMAN SURASENA, J.

COUNSEL : Romesh de Silva PC with Riad Ameen and  
Shanaka Cooray for the petitioner.  
Arjuna Obeysekera SDSG for the respondents.

ARGUED AND

DECIDED ON : 01<sup>st</sup> March, 2017

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A. H.M.D. NAWAZ, J.

Both the petitioner and the 2<sup>nd</sup> respondent namely, the Director General of Customs have tendered a consent motion embodying the terms of settlement between the two parties. In terms of this consent motion dated 28.02.2017, a sum Rs.10,000,000/= (Rupees ten million ) only would be paid by way of a People's Bank, Bank draft bearing No. 530713 and dated 15.02.2017, which is made out in favour of the Director General of Customs. Mr. Shanaka Cooray who appears for the petitioner states that the bank draft is ready for tender but the Senior Deputy Solicitor General informs Court that he has instruction to the effect that the said bank draft which is referred to in

paragraph (a ) of the consent motion and which is ready for tender today could be paid to the Accountant, Sri Lanka Customs on or before Friday namely 03/03/2017. The learned Deputy Solicitor General further states that it could be tendered on or before Friday and paragraph ( c ) of the consent motion is to the effect that the draft has to be realized before three working days after it is deposited in the Bank. Both Counsel agree that this clause ( c ) is amended to read as “7 working days after it is deposited” and therefore if this bank draft is not realized before seven working days after it is deposited in the Bank, then the consequent terms that are specified in paragraphs ( c ) and (d) will follow. Subject to these terms being entered into between the parties, this matter is now settled and accordingly the application is pro forma dismissed without costs.

JUDGE OF THE COURT OF APPEAL

**P. PADMAN SURASENA, J.**

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=