

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

**Court of Appeal Case No : CA WRIT /121/2017**

Global Lifestyle Lanka (Pvt) Ltd.  
No. 403 Duplication Road,  
Colombo 03.

**Petitioner**

**Vs.**

The Monetary Board of the Central  
Bank of Sri Lanka.  
P.O.Box 590,  
No.30,  
Jandipathi Mawatha,  
Colombo 01.

**Respondents**

Before : A. H. M. D. Nawaz, J  
L. U. Jayasuriya, J  
Counsel : Parties represented by counsel.  
Decided on : 19.04.2017

**A. H. M. D. Nawaz, J (P/CA) Acting**

This Court has heard the learned counsel for the Petitioner and the learned Senior Deputy Solicitor General. The objection taken by the learned Senior Deputy Solicitor General is that the principal order (P3) canvassed in this case is dated 29.06.2012 but this application to this court has been made only in 2017 after a lapse of 5 years. However, this Court finds that though P3 dated 29.06.2012 makes a determination that the Petitioner is in violation of section 83(c) (1) of the Banking Act as amended, the consequential steps that are specified in the Banking Act after that opinion was expressed, have not been taken and it appears from a perusal of the pleadings that no suspension of the business that the Petitioners are engaged in has really taken place. In other words, the business has not been suspended per se. This Court takes the view that the petitioner must make out a prima facie case for judicial review in the sense of the Atkinian formula which prescribes as a threshold some kind of impact on one's rights or interests. In these circumstances this Court sees no reason to issue notice in this case and dismisses the petition but the petitioner is not precluded from taking appropriate steps at a later stage if its rights are affected.

**Judge of the Court of Appeal**

**L. U. Jayasuriya, J**

I agree

**Judge of the Court of Appeal**

Na/-