

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

Court of Appeal Case No : CA WRIT/22/2018

Dr.Amal Harha de silva.
President – Cycling Federation of Sri
Lanka,
Old Department of Sport
Development Building,
No.33,
Torington Square,
Colombo 07.

Petitioner

Vs.

Dayasiri Jaysekara Esq.MP.
Hon Minister of Sports,
Ministry of Sport,
No.09,
Philip Gunawardana Road.
Colombo07.

Respondents

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

CA Writ Application No: 22 /2018

Before: L.T.B. Dehideniya, J (P/CA)

Shiran Gooneratne, J

Counsels: P. Lal Nanayakkara with Wardani Karunaratne instructed by

Lakni Silva for the Petitioner.

Argued and decided on: 11/01.2018

L.T.B. Dehideniya, J (P/CA)

By petition dated 10/01/2018 the Petitioner inert-alia is seeking interim orders as set out in paragraphs J, K and L of the petition to prevent the conducting of elections of the Cycling Federation and notices on the Respondents in the first instance.

The Petitioner submits that by the document dated 26/12/2017 marked X, The Petitioner has been deprived and refused nomination to stand for the election of office bearers to the Cycling Federation of Sri Lanka where the elections are to be held on 12/01/2018 for the period of 2017-2018. The 3rd Respondent by document marked X, has informed the 2nd Respondent that the Petitioner's nomination cannot be accepted due the Petitioner's failure in submitting the audited financial reports within the stipulated time period.

The Petitioner admits that the said audited financial report for theyear2015, has not been submitted on time. The Petitioner further states that it was the responsibility of the Treasurer of the Federation to have submitted the said

audited financial statements for the said year. The Petitioner has also brought to notice of the Court that the Treasurer of the Federation has also failed in submitting the audited financial statements of the previous years.

It is noted that the Petitioner's failure to submit the audited financial statement for the year 2015 on time is in violation of the stipulated laws and that such failure on the part of the Petitioner need to be considered when considering the appeal in rejecting the nominations submitted by the Petitioner.

As such we are of the view that the decision dated 26/12/17 need not be interfered with and therefore we refuse notice and dismiss the petition.

President of the Court of Appeal

Shiran Gooneratne, J

I agree

Judge of the Court of Appeal