

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

In the matter of an application for mandates in the nature of Writs of Certiorari and Mandamus, under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA Writ Application
No: CA/WRT/54/2026

KST EVERGREEN (PVT) LTD.

No.71, Negombo Road,
Kandana.

PETITIONER

Vs.

1. **HON. K. D. LAL KANTHA**
Minister of Agriculture, Livestock, Land
and Irrigation and
Chairman, Food Policy and Security
Committee,
Ministry of Agriculture, Livestock, Land
and Irrigation,
No. 80/5, 'Govijana Mandiraya',
Rajamalwatta Lane,
Battaramulla.
2. **D. P. WICKRAMASINGHE**
Secretary,
Ministry of Agriculture, Livestock, Land
and Irrigation
Ministry of Agriculture, Livestock, Land
and Irrigation,
No. 80/5, 'Govijana Mandiraya',
Rajamalwatta Lane,
Battaramulla.
3. **HON. WASANTHA SAMARASINGHE**
Minister of Trade, Commerce, Food
Security and Co-Operative Development,

and Chairman, Food Policy and Security Committee
Ministry of Trade, Commerce, Food Security and Co-Operative Development,
No. 492, R. A. De Mel Mawatha,
Colombo 03.

4. **K. A. VIMALENTHIRARAJAH**
Secretary,
Ministry of Trade, Commerce, Food Security and Co-Operative Development,
No. 492, R. A. De Mel Mawatha,
Colombo 03.
5. **HON. DR. NALINDA JAYATISSA**
Minister of Health and Mass Media and Cabinet Spokesperson,
Ministry of Health and Mass Media,
Suwasiripaya, No. 385,
Rev. Baddegama Wimalawansa Thero Mawatha, Colombo 10.
6. **DR. ANIL JASINGHE**
Secretary,
Ministry of Health and Mass Media
Suwasiripaya, No. 385,
Rev. Baddegama Wimalawansa Thero Mawatha, Colombo 10.
7. **HON. DR. ANIL JAYANTHA FERNANDO**
Deputy Minister of Finance and Planning
Ministry of Finance, Planning and Economic Development,
The Secretariat,
Colombo 01.
8. **HON. U. D. NISHANTHA JAYAWEERA**
Deputy Minister of Economic Development

Ministry of Finance, Planning and
Economic Development,
The Secretariat,
Colombo 01.

9. **DR. HARSHANA SURIYAPPERUMA**
Secretary,
Ministry of Finance, Planning and
Economic Development,
Ministry of Finance, Planning and
Economic Development,
The Secretariat,
Colombo 01.
10. **T. T. UPULMALEE PREMATHILAKA**
Controller General
Department of Imports and Exports
Control,
No. 75 1/3, 1st Floor,
Hemas Building, York Street,
Colombo 01.
11. **DR. W.A.R.T. WICKRAMAARACHCHI**
Director General of Agriculture
Department of Agriculture
No. 01, Old Galaha Road,
Peradeniya.
12. **K.D.S. RUWANCHANDRA**
Chairman,
Standing Cabinet Appointed
Procurement Committee and
Former Secretary, Ministry of Port,
Shipping and Aviation,
No. 19, Chaithya Road,
Colombo 01.
13. **J.M. THILAKA JAYASUNDARA**
Member,

Standing Cabinet Appointed
Procurement Committee, and
Former Secretary, Ministry of Education,
Isurupaya, Battaramulla.

14. R.M.P. RATHNAYAKE

Member,
Standing Cabinet Appointed
Procurement Committee, and
Former Deputy Secretary to the
Treasury,
Ministry of Finance,
The Secretariat,
Colombo 01.

15. J.P.R. KARUNARATNE

Member,
Standing Cabinet Appointed
Procurement Committee, and
Former Deputy Governor,
Central Bank of Sri Lanka,
No. 30, Janadhipathi Mawatha,
Colombo 01.

16. K.P.A. DE SILVA

Member,
Standing Cabinet Appointed
Procurement Committee, and
Former Chief Financial Officer,
Ministry of Trade,
No. 492, R. A. De Mel Mawatha,
Colombo 03.

17. PRADEEP SAPUTHANTHRI

Secretary to the Prime Minister,
and Member, Food Policy and Security
Committee,
Prime Minister's Office
No. 58, Sir Ernest De Silva Mawatha,

Colombo 07.

18. **KAPILA JANAKA BANDARA GUNARATNE**
Senior Additional Secretary to the
President and Member, Food Policy and
Security Committee,
Presidential Secretariat,
Galle Face, Colombo 01.
19. **N. S. WANASINGHE**
Additional Secretary to the President,
Presidential Secretariat,
Galle Face, Colombo 01.
20. **SRI LANKA THRIPOSHA LIMITED**
No. 17, Negombo Road
Kapuwatta, Ja-Ela.
21. **AMAL ATTANAYAKE**
Chairman,
Sri Lanka Thriposha Limited
No. 17, Negombo Road,
Kapuwatta, Ja-Ela.
22. **DEEPTHI KULARATNE**
Former Chairman,
Sri Lanka Thriposha Limited
No. 17, Negombo Road,
Kapuwatta, Ja-Ela.
23. **SEEVALI ARUKGODA**
The Director-General of Customs,
Sri Lanka Customs,
Customs House,
Colombo 11.
24. **SRI LANKA PORTS AUTHORITY**
Level 7, HQ Colombo,
No. 464, T.B. Jaya Mawatha,

Colombo 10.

25. **HON. DR. HARINI AMARASURIYA**
Minister of Education, Higher Education
and Vocational Education,
Ministry of Education, Higher Education
and Vocational Education,
Isurupaya, Battaramulla.
26. **HON. VIJITHA HERATH**
Minister of Foreign Affairs, Foreign
Employment and Tourism,
Ministry of Foreign Affairs, Foreign
Employment and Tourism,
Republic Building, Colombo 01.
27. **HON. BIMAL RATNAYAKA**
Minister of Transport, Highways and
Urban Development,
Ministry of Transport, Highways and
Urban Development,
7th Floor, Sethsiripaya Stage II,
Battaramulla.
28. **HON. SUNIL HANDUNNETHTHI**
Minister of Industry and
Entrepreneurship Development,
Ministry of Industry and
Entrepreneurship Development,
No.73/1, Galle Road, Colombo 03.
29. **HON. RAMALINGAM CHANDRASEKAR**
Minister of Fisheries, Aquatic and Ocean
Resources
Ministry of Fisheries, Aquatic and Ocean
Resources,
New Secretariat, Maligawatta,
Colombo 10.

30. **HON. PROF. ANIL JAYANTHA FERNANDO**
Minister of Labour,
Ministry of Labour,
6th Floor, Mehewara Piyesa,
Narahenpita, Colombo 05.
31. **HON. SAMANTHA VIDDYARATHNA**
Minister of Plantation and Community
Infrastructure,
Ministry of Plantation and Community
Infrastructure,
11th Floor, Stage II, Sethsiripaya,
Battaramulla.
32. **HON. ANURA KARUNATHILAKA**
Minister of Ports and Civil Aviation,
Ministry of Ports and Civil Aviation,
No. 19, Chaithya Road,
Colombo 01.
33. **HON. PROF. A. H. M. H. ABAYARATHNA**
Minister of Public Administration,
Provincial Councils and Local
Government,
Ministry of Public Administration,
Provincial Councils and Local
Government,
Independence Square, Colombo 07.
34. **HON. HARSHANA NANAYAKKARA
(ATTORNEY-AT-LAW)**
Minister of Justice and National
Integration,
Ministry of Justice and National
Integration,
No. 19, Sri Sangaraja Mawatha,
Colombo 10.
35. **HON. SAROJA SAVITHRI PAULRAJ**

Minister of Women and Child Affairs,
Ministry of Women and Child Affairs,
5th Floor, Sethsiripaya Stage II,
Battaramulla.

36. HON. DR. UPALI PANNILAGE

Minister of Rural Development, Social
Security and Community Development,
Ministry of Rural Development, Social
Security and Community Development,
1st Floor, Stage II, Battaramulla.

37. HON. K. M. ANANDA WIJEPALA

Minister of Public Security and
Parliamentary Affairs,
Ministry of Public Security and
Parliamentary Affairs,
18th Floor, Suhurupaya, Battaramulla.

38. HON. DR. HINIDUMA SUNIL SENEVI

Minister of Buddhasasana, Religious and
Cultural Affairs,
Ministry of Buddhasasana, Religious and
Cultural Affairs,
No. 135, Sreemath Anagarika
Dharmapala Mawatha, Colombo 07.

39. HON. SUNIL KUMARA GAMAGE

Minister of Youth Affairs and Sports,
Ministry of Youth Affairs and Sports,
No. 09, Philip Gunawardana Mawatha,
Colombo 07.

40. HON. DR. CHRISHANTHA ABEYSENA

Minister of Science and Technology
Minister of Science and Technology,
03rd Floor, Sethsiripaya Stage I,
Battaramulla.

- 41. HON. ENG. KUMARA JAYAKODY**
Minister of Energy,
Ministry of Energy,
No. 437, Galle Road,
Colombo 03.
- 41A. Hon. Aruna Karunathilaka**
Minister of Energy,
Ministry of Energy,
No. 437, Galle Road,
Colombo 03.
- 42. HON. DR. DAMMIKA PATABENDI**
Minister of Environment,
Ministry of Environment,
'Sobadam Piyasa', No. 416/C/1,
Robert Gunawardana Mawatha,
Battaramulla.
- 43. HON. DR. SUSIL RANASINGHE**
Minister of Housing, Construction and
Water Supply,
Ministry of Housing, Construction and
Water Supply
2nd Floor, Sethsiripaya, Stage I,
Battaramulla.
- 44. W. M. D. J. FERNANDO**
Secretary to the Cabinet of Ministers,
Lloyd's Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.
- 45. THE HON. ATTORNEY GENERAL**
The Attorney General's Department,
Colombo 12.

RESPONDENTS

Before:	Damith Thotawatte, J. K.M.S. Dissanayake, J.
Counsel	Kuvera de Zoysa, PC with Kevin Dias instructed by M.J.S. Fonseka for the Petitioner. Rajin Gooneratne, SC for all the Respondents except the 22nd Respondent.
Argued	27-07-2026 & 06-08-2026
Written submissions tendered on:	07-05-2026 & 28-08-2026 By the Petitioner 18-05-2026 & 01-09-2026 By the Respondents
Judgement Delivered on:	25-09-2026

Thotawatte, J.

Introduction

Although the State Counsel who appeared has marked his appearance for all the Respondents except the 22nd Respondent, the statement of objection dated 16.07.2026 has been filed on behalf of 1st to 21st and 25th to 45th Respondents (hereinafter mentioned collectively as the “Respondents”)

The Petitioner, KST Evergreen (Pvt) Ltd., invokes the jurisdiction of this Court under Article 140 of the Constitution. Its principal challenge is directed against the letter dated 02.01.2026, marked P30, issued by the Controller General of Imports and Exports (hereinafter sometimes referred to as the “Controller General”), the 10th Respondent. By that communication the release of a consignments of maize imported by the Petitioner was withheld until the relevant approval of the Cabinet of Ministers (hereinafter sometimes referred to as the “Cabinet”) was obtained.

The Petitioner seeks a writ of certiorari to quash P30 and the consequential decision of Sri Lanka Customs to withhold the relevant consignments and a writ of mandamus compelling the clearance and release, of the same permitting them to be supplied to Sri Lanka Thripasha Limited at the agreed price, or alternatively their sale to a third party. The

Petitioner further seeks a writ of prohibition restraining the recovery of demurrage and related charges.

The Respondents maintain that P30 was the lawful consequence of the failure to satisfy an express condition in the import licenses issued dated 27.11.2025 [annexed marked as P22 and P23] and Cabinet's decision not to concur with regards to item 4.4 of the minutes of the Food Policy and Security Committee (hereinafter sometimes referred to as the "FPSC") meeting held on 21.11.2025.

Material facts

Sri Lanka Thriposha Limited sought to procure 6,000 metric tons of maize for Thriposha production. Following a competitive procurement process, the Standing Cabinet Appointed Procurement Committee recommended the Petitioner as the substantially responsive lowest evaluated bidder [annexed marked P3] at its meetings held on 09th and 11th July 2024. Following a memorandum dated 21.08.2024 [annexed marked P2(ii)], Cabinet approved the award on 02.09.2024 under Decision No. 24/1724/604/187 [annexed marked P4]. Sri Lanka Thriposha Limited notified the Petitioner of the award by letter dated 12.09.2024 [annexed marked P6], requiring delivery of the approved quantity according to its prescribed schedule.

The Petitioner thereafter obtained the requisite approvals and licenses to supply 1,200 metric tons out of the 6,000 metric tons of maize and this consignment was successfully delivered. The parties to this application agree upon the procurement award and the initial supply. The present dispute concerns the balance 4,800 metric tons of Maize.

On 30.05.2025 the Minister of Health and Mass Media submitted Cabinet Memorandum No. 25/0926/815/059, [annexed to the statement of objection marked R1], seeking approval from the Cabinet for import licenses be issued to the 20th Respondent, Sri Lanka Thriposha Limited for procurement standardized maize. At the cabinet meeting held on 02.06.2025 the cabinet has approved the issue of import-control licenses to the 20th Respondent [marked R2 and also produced marked as P10] for 18,000 metric tons of standardized maize required for one year and directed the relevant authorities to cause the necessary import-control licenses to be issued. However, this approval did not consider the 4,800 metric tons of Maize remaining from the previous approval given to import 6000 metric tons of maize.

Consequently, in response to a shortage, the Departmental Procurement Committee procured 2,000 metric tons of maize within its delegated authority. The Cabinet Memorandum [annexed to the objections marked R3] records that bids were invited on

27.06.2025 and that a Letter of Award was issued to the substantially responsive lowest evaluated bidder.

A difficulty arose because Cabinet had approved an import license for Sri Lanka Thriposha Limited, while the selected supplier was to import the maize. By letter dated 24.07.2025, the Controller General stated that Thriposha's license was non-transferable and that a license for the supplier required fresh Cabinet approval. The Minister accordingly submitted a memorandum dated 20.09.2025, following which Cabinet, by decision dated 07.10.2025 (Annexed to the objections marked **R4**), authorized an import license for Lion Fruit Products (Pvt) Ltd to import 2,000 metric tons of maize.

Thereafter, Sri Lanka Thriposha Limited by a letter dated 29.07.2025 [annexed marked as "P9(ii)"], invited the Petitioner to state whether they were agreeable to supplying the remaining quantity of 4,800 metric tons of maize under the 2024 contract for 6,000 metric tons. The Petitioner agreed to this by a letter dated 31.07.2025 [annexed marked as P9(iii)]. Subsequently, the Secretary of the Ministry of Agriculture, by a letter dated 03.10.2025 [annexed marked as P11] to the Controller General, recommended the issuance of an import permit to the Petitioner for 4,800 metric tons of maize.

Upon receipt of this recommendation, the Controller General, by letter dated 28.10.2025 bearing No. IECD/5/2025/02, [annexed marked as P12] had sought clarification from Sri Lanka Thriposha Limited regarding the nomination of the Petitioner for the outstanding 4,800 metric tons as a Cabinet decision has approved the issuance of a import permit to a company named Lion Fruit Products (Pvt) Ltd. for 2025 and the chairman of Sri Lanka Thriposha Limited has responded by his letter dated 07.11.2025 [annexed marked as P13] stating that the tender awarded to the Petitioner still remains a valid tender.

On receipt of the explanation by Sri Lanka Thriposha Limited., the Controller General has sought further clarification from the 04th Respondent, Secretary of the Ministry of Trade Commerce Food Security and Cooperative development by her letter dated 18.11.2025 [annexed marked as P14].

The 04th Respondent by the letter dated 27.11.2025 [annexed marked as P15] referring to a decision by the FPSC meeting held on 21.11.2025 had informed they have no objections for import permit being issued to the Petitioner for 4,800 metric tons of maize.

The minutes of the FPSC meeting held on 21.11.2025 are [annexed to the Respondents' Statement of Objections as R5]. The importation by KST Evergreen (Pvt) Ltd. of the

outstanding 4,800 metric tons of maize under the procurement awarded in 2024 is addressed only in paragraph 4.4 of those minutes. The central issue considered therein appears to have arisen from the concern expressed by the Controller General in her letter dated 28.10.2025, as to how KST Evergreen, a supplier selected under the 2024 procurement, could be permitted to import the outstanding quantity when a subsequent Cabinet approval and import license for 18,000 metric tons stood in the name of Sri Lanka Thriposha Ltd. To resolve this difficulty, the FPSC decided that the 4,800 metric tons allocated to KST Evergreen be deducted from the quantity of 18,000 metric tons approved for Sri Lanka Thriposha Ltd. and that Sri Lanka Thriposha Ltd. procure the remaining 13,200 metric tons required for production in 2025 through a supplier selected by it.

Although it might appear that generally, further Cabinet approval is not necessary for decision of the FPSC, in this particular instance it would appear to be a logical step as item 4.4 did more than to merely coordinate the implementation of an existing approval. Item 4.4 proposed that 4,800 metric tons of the Cabinet-approved quantity of 18,000 metric tons be allocated to KST Evergreen, that an import license be issued directly to KST Evergreen, and that Sri Lanka Thriposha Ltd. to procure only the remaining 13,200 metric tons through a supplier. This FPSC decision therefore altered both the allocation of the Cabinet-approved quantity and the entity authorized to undertake part of the importation.

The Controller General thereafter issued import licenses P22 and P23, both dated 27.11.2025 and according to the Respondents clause 11 of P22 and clause 12 of P23 of the licenses required the minutes of the Food Policy and Security Committee meeting of 21.11.2025, with Cabinet approval, to be available for consideration when the consignments were debited against the licenses.

Relying upon P22 and P23, the Petitioner ordered and shipped the maize from India. However, when the Petitioner sought clearance on or about 29.12.2025, Sri Lanka Customs had informed the Petitioner that the consignments had been withheld on the direction of the Controller General.

Thereafter the Petitioner had received the impugned letter dated 02.01.2026 [annexed marked as P30] from the Controller General explaining her actions.

In the letter P30 the Controller General has stated that;

- The import permits were issued subject to the minutes of the Food Policy and Security Committee meeting held on 21.11.2025 being approved by the Cabinet.
and

- As it appears that those minutes had not been approved by the Cabinet and once the Cabinet approval is obtained further steps can be taken with regards to the debiting process.

The Petitioner challenges P30 on the ground that, having issued import licenses P22 and P23 following the relevant procurement approvals and recommendations, the Controller General could not impose a further requirement of Cabinet approval after the maize had been imported. The Petitioner submits that clause 11 of P22 and clause 12 of P23 required only that the Committee minutes be considered during debiting; they did not make clearance conditional upon a further Cabinet decision. Having incurred substantial expenditure in reliance on the licenses, the Petitioner contends that P30 frustrated its legitimate expectation and was arbitrary, unreasonable and *ultra vires*.

Analysis

The Controller General exercises statutory functions under the Imports and Exports (Control) Act, No. 1 of 1969. By letter P30, she conveyed her position that the imported maize could not be cleared pending Cabinet approval of the relevant minutes of the FPSC meeting held on 21.11.2025, which had initiated the issuance of the import licenses. As that position has legal and commercial consequences, it is amenable to review under Article 140 if illegality, error of law, irrationality or procedural unfairness is established. Any identifiable decision of the Director-General of Customs refusing clearance is likewise amenable to review.

Amenability to review does not establish unlawfulness. In exercising jurisdiction under Article 140, this Court examines whether the impugned decision was lawfully made. It does not substitute its view of the preferable procurement or commercial outcome for that of the Cabinet or the statutory decision-maker.

It is common ground that maize may be imported only under an import control license issued by the Controller General. The question is whether, after the FPSC directed that the Controller General be informed to take the necessary steps to issue such a license, the Controller General was entitled to require even indirectly, Cabinet approval of the relevant Committee minutes before giving full effect to that direction.

The statutory setting and the effect of the licenses

Section 7(1) of the Imports and Exports (Control) Act, No. 1 of 1969 confers upon the Controller the discretion to issue or refuse a license. Under section 9(1), the Controller may, at any time and by order in writing, amend, suspend or cancel a license. The Petitioner submits that the Controller took no steps to cancel or suspend import licenses [annexed marked as P22 and P23] issued to him, and that the maize was imported while those licenses were valid. Further that P22 and P23 were unconditional authorizations and the Controller General's letter dated 02.01.2026 marked P30 had introduced a new prohibitive condition after the goods had been lawfully imported and was in the process of being cleared through customs.

Import licenses P22 and P23 were not unconditional. In exercise of the power conferred by section 7(2) of the Imports and Exports (Control) Act, No. 1 of 1969, the Controller General included clause 11 in P22 and clause 12 in P23, requiring Cabinet approved minutes of the FPSC meeting held on 21.11.2025 to be taken into consideration during the debiting process. The clauses did not, as drafted have any effect upon importation of the maize. The clauses required consideration of the minutes only when the licenses were presented for debiting in the course of customs clearance.

The decision of the relevant to this issue appears at item 4.4 of the minutes of the FPSC meeting held on 21.11.2025. It provided for the Petitioner to import the remaining 4,800 metric tons under an earlier contract to supply 6,000 metric tons of maize, with that quantity to being deducted from the 18,000 metric tons subsequently approved for importation by Sri Lanka Thriposha Limited. In this manner, the FPSC appears to have sought to reconcile the two arrangements.

The FPSC's decision, for the time being, appears to have addressed the difficulty faced by the Controller General concerning the continuing validity of the Petitioner's contract in light of the subsequent approval to issue import control licenses to the Sri Lanka Thriposha Limited, for 18,000 metric tons of maize. This adjustment enabled FPSC to direct that the Controller General be informed to issue import licenses to the Petitioner for importation of 4800 metric tons of Maize.

Although the Controller General complied with the directions and proceeded to issue the import licenses marked as "P22" and "P23," she made them subject to a condition in the exercise of her statutory powers, as was mentioned earlier.

The Clause 11 and 12 of P22 and P23 respectively is the same and states as follows:

“Please be informed that, during the debiting process, the Cabinet-approved Food Policy Committee meeting minutes held on 21 November 2025 at the Presidential Secretariat should be taken into consideration”.

I am unable to hold that the inclusion of this condition in P22 and P23 was, in itself, beyond the Controller General’s power under section 7(2) of the Act. It does not, however, preclude the Petitioner from challenging the Controller General’s subsequent interpretation and application of those conditions.

Upon receipt of the import licenses the Petitioner had preceded to import the maize utilizing P22 and P23 without, raising any objection to the conditions contained in P22 and P23.

According to the Petitioner, when it sought to clear the imported maize on or about 29.12.2025, Sri Lanka Customs informed it that clearance had been withheld on the Controller General’s direction. By letter dated 02.01.2026, marked P30, the Controller General subsequently informed the Petitioner that the import licenses had been issued on the condition that Cabinet approval of the minutes of the FPSC meeting held on 21.11.2025 would be available for consideration at the time of debiting. As such approval had not been received, the debiting process would proceed upon receipt of formal Cabinet approval.

The Petitioner challenges P30 as unlawful, unreasonable and contrary to its legitimate expectation with regards to clearance. The Petitioner says the 2024 contract had Cabinet approval, item 4.4 of FPSC meeting held on 21.11.2025, facilitated importation of the outstanding 4,800 metric tons, and the Controller General had issued P22 and P23 on that basis. In the Petitioners view, the clauses requiring the Committee minutes to be considered during debiting do not require a further Cabinet decision before clearance. It also says the licenses had not been suspended or cancelled and that any need for further approval should have been resolved or communicated before the licenses were issued.

The Petitioner’s argument appears to rest on the contention that the requirement invoked by the Controller General was a new condition, not stated in P22 or P23 when those licenses were issued.

In her letter dated 02.01.2026, marked P30, the Controller General did not state that she had cancelled or suspended the import licenses. Rather, she stated that a condition to be

satisfied at the debiting stage remained unsatisfied and that clearance would proceed once that condition was satisfied.

The Controller General further state that the wording in the relevant clauses in P22 and P23 which reads “.....the **Cabinet-approved** Food Policy Committee meeting minutes” is meant to notice the Petitioner that the cabinet approval was necessary. The Petitioner rejects the position of the Controller General with regards to the meaning and state that it is merely a reference to the establishment of the FPSC by Cabinet approval rather than imposing a requirement of Cabinet approval. I am unable to accept the Petitioner’s construction, for if that interpretation is to be accepted, it would deprive the clause of any practical purpose.

On its ordinary reading, the phrase “*the Cabinet-approved Food Policy Committee meeting minutes*” means minutes of a committee meeting that had received Cabinet approval. Whatever the Petitioner’s view on whether decisions of the FPSC generally require Cabinet approval or not, the clauses 11 and 12 of P22 and P23 should have informed the Petitioner that the FPSC minutes to be considered during the debiting process were to be Cabinet-approved minutes.

Since clauses 11 and 12 are explicitly printed on the face of licenses "P22" and "P23," their inclusion at the time of issuance and their literal text cannot be disputed. The Petitioner’s contention that these clauses do not carry the meaning ascribed to them by the Controller General is untenable. Furthermore, the Petitioner's claim that the requirement for Cabinet approval of the FPSC minutes is a newly manufactured condition designed to create difficulties is entirely without merit. It is undisputed that the Petitioner imported the maize utilizing licenses "P22" and "P23" without raising any contemporaneous objection to their conditions. If uncertain as to their meaning, the Petitioner could have sought clarification before accepting and acting upon them. As the condition requiring FPSC minutes to be considered during the debiting process requires such minutes to have Cabinet approval cannot be considered a new condition, the absence of a further hearing afforded to the Petitioner would not, of itself, establish procedural unfairness.

The Petitioner’s position concerning the Controller General is set out in its written submissions filed on 28.08.2026. The Petitioner state:

“Nowhere in any correspondence and/or approval and/or license given has the requirement for a further cabinet decision to release the goods after importing the same, been stated. Thereby the Import controller has unreasonably and/or

irrationally and/or maliciously formulated the said purported contention on her own”

The Petitioner bases these allegations principally on the terms of P22 and P23, the decision of the FPSC given in Petitioners favor, and the absence of an order suspending or cancelling the licenses. These matters have previously considered with regards to the legality of P30 and I cannot accept that these facts establish malice or demonstrate that the Controller General acted upon a requirement of her own making.

The Minister of Agriculture, Livestock, Land and Irrigation and the Minister of Trade, Commerce, Food Security and Cooperative Development, co- chairmen of the FPSC, by a Joint Note (annexed to the objections marked as R5) has submitted the relevant FPSC decisions to the Cabinet. Those decisions included item 4.4, which directed that the Controller General be informed to take the necessary steps to issue an import license to the Petitioner. Although the material does not establish whether either Minister participated in the Cabinet meeting at **which concurrence in item 4.4 was withheld**, both are parties to this application as the 1st and 3rd Respondents. The objections and written submissions filed on their behalf maintain that Cabinet concurrence was necessary to implement item 4.4 and that the EPSC minutes required Cabinet approval before they could be acted upon at the debiting stage.

The Joint Note stated that the minutes of the FPSC meeting held on 21.11.2025 were submitted for Cabinet’s information. Nevertheless, Cabinet considered the minutes and proceeded to express its concurrence or, as in the case of item 4.4, withhold its concurrence and call for further information. There is no evidence indicating any involvement of the Controller General in this process. Furthermore, the fact that the Cabinet withheld concurrence on item 4.4 justifies her cautious approach and dispels any allegations of malice made against her.

The authorities cited by the Petitioner recognize that an express representation or settled practice may give rise to a procedural or substantive legitimate expectation. Expenditure incurred in reliance on the licenses may lend weight to such a claim, and a public authority should not frustrate a legitimate expectation without lawful justification. Those authorities do not, however, permit an expectation to override an express condition of the licenses or compel the Controller General to act contrary to Cabinet’s decision on a matter requiring its approval.

The Petitioner could expect the Controller General to apply licenses P22 and P23 according to their terms and to consider the Committee minutes when the licenses were presented for debiting. The licenses did not guarantee clearance irrespective of Cabinet's decision on item 4.4. Since R6 records that Cabinet withheld concurrence in that item, the issuance of the licenses could not create an unconditional expectation that the maize would be cleared.

The licenses P22 and P23, as a condition of issuance required the Cabinet approved Committee minutes to be considered during debiting. By the time clearance was sought, Cabinet had withheld concurrence in item 4.4, the decision concerning the Petitioner's 4,800 MT of maize. The Controller General's refusal to proceed was therefore based on an identified decision directly relevant to the license condition. The issuance of the licenses could not, of itself, give rise to a legitimate expectation that the maize would be cleared in circumstances where the cabinet had withheld concurrence in item 4.4. In these circumstances, the Petitioner has not established that P30 was ultra vires, arbitrary, irrational or unreasonable, or unlawful.

For the foregoing reasons, I find no basis to issue a writ of certiorari quashing the decision of the 10th Respondent communicated by letter dated 02.01.2026, marked P30.

The Petitioner contends that the 23rd Respondent withheld clearance on the direction of the 10th Respondent. No separate decision of the 23rd Respondent, or of any other Respondent, has been identified and shown to be unlawful. Accordingly, upon the refusal of *certiorari* in respect of P30, the Petitioner has failed to establish an independent basis for the relief sought in prayers (d) and (e). Prayer (f), concerning supply by another party, likewise requires an identifiable decision that is independently unlawful. The mandamus reliefs in prayers (g) to (j) would be inconsistent with P30 if it remains lawful and operative, unless the Petitioner establishes a separate right to clearance or supply and a corresponding public duty. The alternative relief in prayer (k) is supported by the Petitioner's concern over deterioration and financial loss, but no independent legal right or corresponding public duty to permit clearance and sale to a third party has been established. Nor has the Petitioner shown that the charges sought to be prohibited by prayer (l) are unlawful independently of its challenge to P30. Accordingly, neither prayer (k) nor prayer (l) can be granted on the grounds advanced in this application.

Conclusion

For the reasons set out above, I hold that the Petitioner has failed to establish its entitlement to the reliefs prayed for in the petition. Accordingly, I proceed to dismiss the Petitioner's application.

Under the circumstances I make no order with regard to costs.

Judge of the Court of Appeal

K.M.S. Dissanayake, J.

I agree

Judge of the Court of Appeal