

1974 Present : Walgampaya, J., and Sharvananda, J.

N. M. GUNASEKERA, Appellant, and S. W. DE SILVA,
Respondent

S. C. 315/73 M. C. Colombo, 55267/AMC

Control of prices—Sale of wheat flour in retail—Duty of vendor to supply wrapper or container without charge.

When wheat flour is sold at the maximum retail price permitted by the relevant Price Order, the obligation rests on the vendor to supply the wrapper or the container, without any extra charge for such wrapper or container.

APPEAL from a judgment of the Magistrate's Court, Colombo.

C. E. de Silva, for the accused-appellant.

Gamini A. L. Abeyratne, State Counsel, for the Attorney-General.

January 26, 1974. SHARVANANDA, J.—

We have listened carefully to the argument adduced by learned Counsel who appears for the accused-appellant, but we see no reason to interfere with the findings of the learned Magistrate.

In terms of the provisions of the Gazette Notification of the Price Order No. FC/IV/SF 11 (7) dated 21.2.1969, when the vendor is selling wheat flour at the maximum retail price the obligation rests on the vendor to supply the wrapper or the container, as and when the occasion arises, and he cannot charge any extra amount for the wrapper or the container supplied by him.

It would appear that in fixing the maximum price the Controller has taken into account the cost of the wrapper or the container.

The appeal is therefore dismissed.

WALGAMPAYA, J.—I agree.

Appeal dismissed.