

1972

*Present : Rajaratnam, J.*

ABDUL LATIFF SULAIMAN & CO., Appellant, and F. E.  
WIJESINGHE (Price Control Inspector), Respondent

*S. C. 135/71—M. C. Colombo, 10460/A*

*Control of Prices Act—Price of satin—Gazette Notification for controlling it—Defect therein.*

The Gazette Notification of 10th August 1966, in so far as it purports to control the price of satin "other than furnishing fibres", contains a defect in the interpretation of it which should engage the immediate attention of the authorities.

**A**PPPEAL from a judgment of the Magistrate's Court, Colombo.

*G. E. Chitty*, with *Daya Perera*, for the accused-appellant.

*D. P. S. Gunasekera*, for the Attorney-General.

*Cur. adv. vult.*

June 6, 1972. RAJARATNAM, J.—

The appellant in this case was convicted for contravening the Control of Prices Act by selling 2 yards of satin for Rs. 9 whereas the controlled price was Rs. 8.08. It transpired in evidence that the actual length sold was 7 inches more than 2 yards and this was conceded by the prosecution and there was no extra payment asked for in respect of the extra 7 inches. If the whole piece is taken into consideration the excess charge for 2 yards 7 inches will be 13 cents approximately.

The only point taken by the learned Counsel for the defence is that the Gazette notification, P5, produced in the case which purported to control satin piece goods regulated the prices only of satin "other than furnishing fibres .....". P5 the Gazette Extra-Ordinary dated 10.8.66 No. 14,707/12 describes the controlled articles thus—piece goods of artificial silk (including cellulose, synthetic fibre and spun glass and other man made fibres.)"

- (a) crepes, satin, taffeta, haircord, muslin and sheer crepe, *other than furnishing fibres* and dyed nylon taffeta 48 inches in width and dyed nylon sheer 44–45 inches in width—maximum retail price per yard Rs. 4.04 cents.

The particular width of dyed nylon taffeta and dyed nylon sheer is separately specified and the width of other furnishing fibres is not stated. I have been referred to the meaning of satin in Webster's 3rd New International Unabridged Dictionary, Volume L–Z, page 2017,

which describes satin as " a smooth sleek fabric in satin weave with a very lustrous face and dull back woven of silk and other fibres, ' as rayon, nylon, natural cotton ' and used in various weights specially for lingerie, dresses and upholstery ". Fabric has been defined as thread of material made from fibres. Learned Counsel for the appellant argued that satin can be used for furnishing and upholstery in as much as it can be used as wearing apparel. These two possible uses of satin seems to have escaped the attention of the authorities responsible for the Gazette notification and when they proposed to control satin other than furnishing fibres they made it self-defeating as the piece of satin produced in this case cannot be said to be other than furnishing fibres and certainly there was no evidence produced by the prosecution to exclude the use of this satin for the purpose of furnishing. If flour which is used for both bread and cake is to be controlled by Gazette it cannot be controlled if only flour other than flour used for making cake is the description given to the commodity that is proposed to be controlled. This defect in the Gazette interpretation should engage the immediate attention of the authorities. I am reluctantly compelled to set aside the conviction and acquit the accused.

*Appeal allowed.*

