

**IN THE SUPREME COURT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

*In the matter of an Application for Relief pertaining to the
undertaking in the Affidavit filed by the 8th Respondent-
Petitioner dated 16th October 2008 pertaining to holding public
office*

Vasudeva Nanayakkara, Attorney-at-Law
Advisor to His Excellency the President
Secretary, The Democratic Left Front
49 1/1, Vinayalankara Mawatha
Colombo 10.

PETITIONER

SC FR Application No. 209/2007

VS

1. K.N. Choksy P.C., M.P.
Former Minister of Finance
23/3, Sir Ernst De Silva Mawatha
Colombo 7.
2. Karu Jayasuriya, M.P.
Former Minister of Power & Energy
2, Amarasekera Mawatha
Colombo 5.
3. Ranil Wickremesinghe M.P.
Former Prime Minister
115, 5th Lane
Colombo 3.
4. Chandrika Bandaranaike Kumaratunga
Former President of Sri Lanka
Horagolla Walawwa
Horagolla.
5. Milinda Moragoda M.P.
Former Minister of Economic Reform
3/2, Allen Methiniyarama Road
Colombo 5.
6. Sripathy Sooriyarachchi, AAL, M.P.
Former Minister, Public Enterprise Reforms
22, Niwasa Mawatha
Rilaulla
Kadana.
7. Charitha Ratwatte, Former Secretary to the Treasury
16, Jawatte Road
Colombo 5.

8. P.B. Jayasundera
Secretary to the Treasury / Former Chairman,
Public Enterprises Reform Commission (PERC)
Secretariat
Colombo 1.
9. P. Weerahandi, Former Secretary
Ministry of Power & Energy
410/7, Baudhaloka Mawatha
Colombo 7.
10. Daham Wimalasena, Former Chairman
Ceylon Petroleum Corporation
Member, Technical Evaluation Committee
22/11, Subadra Mawatha
Madiwela.
11. Upali Dahanayake, Former Director, Ministry of Finance
Member, Technical Evaluation Committee
32, Peiris Avenue, Idama
Moratuwa.
12. A.W.C. Perera, Former Addl. Secretary
Ministry of Economic Reforms
Member, Technical Evaluation Committee
57/2, Rajamaha Vihara Road
Pita Kotte.
13. Shamalee Gunawardene, Attorney-at-Law
Former Director Legal, PERC
500/111, Thimbirigasyaya Road
Colombo 5.
14. DFCC Bank
73/5, Galle Road
Colombo 3.
15. Commissioner of Lands
Land Commissioner's Department
7, Gregory's Avenue
Colombo 7.
16. Sri Lanka Ports Authority
19, Church Street
Colombo 1.
17. Ceylon Petroleum Corporation
109, Rotunda Tower
Galle Road
Colombo 3.
18. John Keells Holdings Ltd.
130, Glennie Street
Colombo 2.
19. Lanka Marine Services Ltd.
69, Walls Lane
Colombo 15.

20. Susantha Ratnayake, Chairman
John Keells Holdings Ltd.
130, Glennie Street
Colombo 2.
21. V. Lintotawela, Former Chairman
John Keells Holdings Ltd.
55, Abdul Caffoor Mawatha
Colombo 3.
22. Nihal Sri Ameresekere, Former Chairman, PERC
167/4, Vipulasena Mawatha
Colombo 10.
23. W.M. Bandusena, Former Chairman, PERC
XB 1/2/2, Edmonton Houses
Kirulapona
Colombo 5.
24. W.A.S. Perera, Chairman, PERC
West Tower, 11th Floor
World Trade Center
Colombo 11
25. Channa De Silva,
Director General
Securities & Exchange Commission of Sri Lanka (SEC),
Level 11-01, East Tower
World Trade Center
Echelon Square
Colombo 1.
26. Lalith Weeratunga
Secretary to His Excellency the President
Presidential Secretariat
Colombo 1.
27. Wijeyadasa Rajapakse P.C., M.P.
Chairman, Parliamentary Committee on Public Enterprises
(COPE)
17, Wijeba Mawatha
Off Nawala Road
Nugegoda.
28. Inspector General of Police
Police Headquarters
Colombo 1.
29. Deputy Inspector General of Police
Criminal Investigation Department
4th Floor, New Secretariat Building
Colombo 1.
30. Chairman
Commission to Investigate Allegations of Bribery or Corruption
36, Malalasekera Mawatha
Colombo 7.

31. Hon. Attorney General
Attorney General's Department
Colombo 12.

RESPONDENTS

32. **Sri Lanka Shipping Company Limited**
46/5, Nawam Mawatha
P.O. Box 1125
Robert Senanayake Building
Colombo 2.

33. **Lanka Maritime Services Limited**
3rd Floor, Robert Senanayake Building
46/5, Nawam Mawatha
Colombo 2.

34. **Lanka Services (Pvt) Ltd.**
1st Floor, Robert Senanayake Building
46/5, Nawam Mawatha
Colombo 2.

ADDED-RESPONDENTS

AND NOW BETWEEN

P.B. Jayasundera
No. 761/C, Pannipitiya Road
Pelawatte
Battaramulla

8TH RESPONDENT PETITIONER

VS

The Attorney General
Attorney General's Department
Colombo 12.

31ST RESPONDENT - RESPONDENT

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THEIR LORDSHIPS AND LADYSHIPS THE OTHER HONOURABLE JUSTICES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

WHEREAS Your Lordships' Court on 3.8.2009 directed that this matter to be mentioned today 24.8.2009.

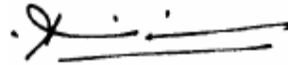
AND WHEREAS a very prominent Article was mischievously reported in *The Sunday Leader* of yesterday 23.8.2009, the contents of which are false and misleading, and I verily believe made with the intention of causing substantial prejudice.

AND WHEREAS I promptly addressed Letter today 24.8.2009 to the Editor, *The Sunday Leader* and the Publisher, pointing out that the said Article had been caused to be planted, significantly yesterday 23.8.2009, with this Case coming-up today 24.8.2009, with intent to mischievously mislead and cause substantial prejudice

WHEREFORE in the given circumstances, I tender herewith compendiously marked “**22RX20**” a copy of my aforesaid Letter of today 24.8.2009, together with the attachments thereto, and most respectfully Move that Your Lordships' Court be pleased to accept the same, to be read, construed and considered, as part and parcel of my 3rd Affidavit dated 20.8.2009.

I undertake to forward copies hereof and the said Documents to the Petitioner and the Respondents.

Colombo, on this 24th day of August 2009

A handwritten signature in black ink, consisting of a stylized initial 'S' followed by a series of horizontal strokes and a final flourish.

22nd Respondent

BY E-MAIL / COURIER24th August 2009

Ms. Frederica Jansz,
Editor, *The Sunday Leader*,
Leader Publications (Pvt) Ltd.,
24, Katukurunduwatte Road,
Ratmalana.

Dear Ms. Jansz,

The Sunday Leader Investigation Report on Pages 8 & 9 of 23.8.2009
“LMS: JKH strikesback ?” - ‘The Inside Story’

I was *appalled* with *The Sunday Leader* so-called ‘*The Inside Story*’, as an ‘*expose*’, based on documents, which are stated to ‘*have come to light*’, with specific reference to a Letter of mine dated 15.7.2004. You have curiously chosen to omit, that the final paragraph of my Letter, *was only a query*, that too, subject to the *Attorney General’s concurrence*, at a very early stage, shortly after I assumed Office in 2004, as Chairman PERC; *with the impugned privatization having been concluded in 2002*.

The said Letter raising such query was written in the context of a ‘double transfer’ of the Land that had been agreed to, and since former Chairman, PERC, P.B. Jayasundera on 2.8.2002 (*vide - copies of Letters dated 31.7.2002 / 2.8.2002 attached*) had, *inter-alia*, agreed to the Government / CPC paying the Stamp Duty on the Land transfer, *whereas ordinarily it is the buyer, who pays Stamp Duty*; thereby conceding also that the Land had to be paid for.

The said Letter was the very ‘*gravamen*’ of my Complaint to the Supreme Court *re* – the issue of the Land & Tanks, among other issues, the ‘non-qualification’ of JKH, the questionable application to BOI, ‘*surreptitious monopoly clause*’ included, blatant tax holiday obtained from G.L. Peiris, perverse valuation, the Government taking over a Case with a Claim of US \$ 9.2 Mn., *etc.*

This very Letter *The Sunday Leader* holds out as having ‘*now come to light*’, was placed by me before the Supreme Court, together with my Affidavit dated 7.9.2007, (*copy attached*), together, *inter-alia*, with Letter dated 1.12.2006 I had addressed to COPE in such regard, and also my Letter dated 1.7.2005 addressed to JKH.

Apparently my said Letter was the *futile* ‘defence’ P.B. Jayasundera had endeavoured to take before COPE, *thereby admitting that he had, in fact, carried out this Land transaction*. However, it had been perpetrated, without my knowledge and/or sanction, *behind my back* as then Chairman PERC, and that of PERC, *as morefully set out in my Affidavit dated 7.9.2007*.

The Instrument of Grant you have ‘*spotlighted*’ is dated 19.1.2005, with acknowledgment by the Treasury of the receipt of payment of consideration for the Land on that date, and the confirmation of the payment of such consideration by LMSL on that date. However, upon then Chairman PERC seeking clarification by Letter dated 31.3.2006 from P.B. Jayasundera, Secretary to the Treasury, the Director General, Public Enterprises, Treasury had confirmed that Treasury had not received any money in such regard. Then President, *I came to understand long afterwards*, had authorized the said Land transaction only upon receipt of payment of consideration therefor. These facts are disclosed in the Petition, copy of which you could access on website – www.consultants21.com.

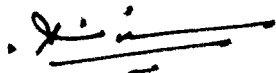
The Sunday Leader article is a 'puerile' analysis, and had not comprehended the *real issues* involved, even though it is claimed, that there are volumes of documents ! You may access copy of my final Written Submissions, *contents of which are self-explanatory*, on website – www.consultants21.com.

The Sunday Leader did not, *as it ought to have*, sought my response, *prior to such publication*, thereby misleading intentionally or inadvertently the public, casting aspersions on my credibility and standing. Significantly, the Case was coming-up today. Hence, I am compelled to believe that interested and/or affected party/ies has/have got this *story 'planted'*, with the intention of '*causing substantial prejudice*'.

Perhaps, it would be worthwhile in the public interest, for *The Sunday Leader* to investigate the *veracity* of a questionable 'donation' of Rs. 15 Mn., I am reliably made to understand, made to well known Priest / Temple, just few weeks before the LMSL Judgment, which resulted, as reported in the media, in a public 'rebuke' by the former Chief Justice, that offering '*Pooja Vatties*' would not affect Judgments. I am also made to understand, that a 12-seater Luxury Van offered in addition, had been aborted, after this public rebuke by the former Chief Justice *after he had become aware of what had transpired*.

I trust you would publish my Affidavit dated 7.9.2007, my Letter dated 1.12.2006 to COPE and my Letter dated 1.7.2005 to JKH, to clear the misimpressions caused in the public domain. In view of my concern of what I believe to be an attempt to '*cause substantial prejudice*', I am tendering a copy of this Letter to the Supreme Court.

Yours truly,



Nihal Sri Ameresekere

cc: Mr. Lal Wickramatunga, Chairman, Leader Publications (Pvt) Ltd.

**IN THE SUPREME COURT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

*In the matter of an Application under Article 126 of
the Constitution of the Democratic Socialist
Republic of Sri Lanka*

Vasudeva Nanayakkara
Attorney-at-Law
Advisor to His Excellency the President
Secretary, The Democratic Left Front
49 1/1, Vinayalankara Mawatha
Colombo 10.

Petitioner

SC FR Application No. 209/2007

Vs

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Colombo 7.
2. Karu Jayasuriya, M.P.
Former Minister of Power & Energy
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3. Ranil Wickremesinghe M.P.
Former Prime Minister
115, 5th Lane
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Former President of Sri Lanka
Horagolla Walawwa
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5. Milinda Moragoda M.P.
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6. Sripathy Sooriyarachchi, AAL, M.P.
Former Minister, Public Enterprise Reforms
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Rifaula
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7. Charitha Ratwatte
Former Secretary to the Treasury
16, Jawatte Road
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8. P.B. Jayasundera
Secretary to the Treasury / Former Chairman,
Public Enterprises Reform Commission (PERC)
Secretariat
Colombo 1.
9. P. Weerahandi
Former Secretary
Ministry of Power & Energy
410/7, Baudhaloka Mawatha
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10. Daham Wimalasena
Former Chairman
Ceylon Petroleum Corporation
Member, Technical Evaluation Committee
22/11, Subadra Mawatha
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Former Addl. Secretary
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Colombo 2.
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69, Walls Lane
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20. Susantha Ratnayake
Chairman
John Keells Holdings Ltd.
130, Glennie Street
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21. V. Lintotawela
Former Chairman
John Keells Holdings Ltd.
55, Abdul Caffoor Mawatha
Colombo 3.
22. Nihal Sri Ameresekere
Former Chairman, PERC
167/4, Vipulasena Mawatha
Colombo 10.
23. W.M. Bandusena
Former Chairman, PERC
XB 1/2/2, Edmonton Houses
Kirulapona
Colombo 5.
24. W.A.S. Perera
Chairman, PERC
West Tower, 11th Floor
World Trade Center
Colombo 11
25. Channa De Silva
Director General
Securities & Exchange Commission of Sri Lanka
(SEC), Level 11-01, East Tower
World Trade Center
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26. Lalith Weeratunga
Secretary to His Excellency the President
Presidential Secretariat
Colombo 1.
27. Wijeyadasa Rajapakse P.C., M.P.
Chairman, Parliamentary Committee on Public
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17, Wijeba Mawatha
Off Nawala Road
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28. Inspector General of Police
Police Headquarters
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29. Deputy Inspector General of Police
Criminal Investigation Department
4th Floor, New Secretariat Building
Colombo 1.
30. Chairman
Commission to Investigate Allegations of Bribery or
Corruption
36, Malalasekera Mawatha
Colombo 7.
31. Hon. Attorney General
Attorney General's Department
Colombo 12.

Respondents

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THEIR LORDSHIPS AND LADYSHIPS THE OTHER HONOURABLE JUSTICES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

I, NIHAL SRI AMERESEKERE of 167/4, Vipulasena Mawatha, Colombo 10 in the Democratic Socialist Republic of Sri Lanka, being a Buddhist, do hereby solemnly, sincerely and truly affirm and declare as follows:

1. a) I am the Affirmant and the 22nd Respondent abovenamed and affirm to the facts herein contained of my own personal knowledge and belief and from the documents herein referred to and as advised.
- b) I received on 28.7.2007 by Registered Post from the Registry of Your Lordships' Court, Notice issued on me, together with copies of the Petition dated 28.6.2007 of the Petitioner, and his supporting Affidavit and the Documents marked therewith.
- c) I have been the Chairman, Public Enterprise Reforms Commission (PERC) from 24.5.2004 to 10.11.2005.
- d) I respectfully state that, I concur and agree with the contentions of the Petitioner, and to the grant by Your Lordships' Court of the reliefs prayed for by the Petitioner in his Petition.
- e) In response to the Petition of the Petitioner, I state as follows:
2. a) I admit averments in paragraphs 2(t), 20(e), 25(i)(ii), 30, 32(b), 34 and 35 of the Petition and the corresponding averments in the Affidavit and admit the Documents **P10(a), P10(b), P28(b), P32 and P34** marked with the Petition.
- b) I am aware of the averments in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18(a), 19(b), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32(a), 33 and 36 of the Petition and the corresponding averments in the Affidavit, and admit the same, subject to paragraph 2(c) hereinbelow.
- c) I verily believe the averments in paragraphs 8(f), 18(b), 18(c), 18(d) and 19(a) of the Petition .
- d) Further answering paragraph 32(b), I admit that, as had been required, I gave evidence and tendered written representations before the Parliamentary Committee on Public Enterprises (COPE).

3. I respectfully adduce before Your Lordships' Court, the following further facts, which would be material to be taken cognisance of, in the adjudication of the matters in this Application before Your Lordships' Court.
4. a) I verily believe that the transaction put in issue by the Petitioner would have been dealt with by the Economic Sub-Committee of the Cabinet.
- b) The Minutes of the Economic Sub-Committee of the Cabinet during the relevant period, would reveal the decisions taken thereat and the persons, who had taken such decisions
- c) Letter dated 15.8.2002 (**P20**) referred at paragraph 18(a) of the Petition had been copied, among others, to R. Paskaralingam, Advisor to the then Prime Minister (3rd Respondent).
5. a) Further answering paragraphs 25, 26, 27, 28, 29, 30 and 31 of the Petition, I state that I, as then Chairman PERC, was totally unaware of the steps that had been taken to purport to transfer the Bloemendhal Land 8A 2R 21.44P to Lanka Marine Services Ltd. (LMSL) (19th Respondent).
- b) It is without such knowledge of the surreptitious actions taken as stated in the Petition, pertaining to the purported transfer of the said Land, that I addressed Letter dated 1.7.2005 (**P32**) to the then Chairman (21st Respondent) of John Keells Holdings Ltd., (John Keells) (18th Respondent), *inter-alia*, stating:

"4. As regards the purchase consideration of Rs. 1,200,000/-, you have referred to: this as per the records available had been based on a valuation, which had been done by DFCC on a basis of a 'discounted cash flow'. On a question raised by the Chairman CPC, as to whether this valuation had included the Market Value of the Land at Bloemendhal 8A 2R 21.44P that had been agreed to be transferred to Lanka Marine Services (Pvt) Ltd., it has been disclosed that the Market Value of such an extent of land had not been taken into reckoning"

A true copy of the said Letter dated 1.7.2005 (P32) to the then Chairman (21st Respondent) of John Keells (18th Respondent), for convenience of Your Lordship's Court is annexed marked 22R(1) to my Statement of Objections, pleaded as part and parcel thereof

6. a) My said Letter dated 1.7.2005 ((**P32**) / (**22R(1)**) was also forwarded by Letter dated 1.7.2005 by a Director of PERC to V. Kanagasabapathy, Director General, Public Enterprises Department, Treasury, for him to brief the Secretary to the Treasury, P.B. Jayasundera (8th Respondent) on the contents thereof.

A true copy of the said Letter dated 1.7.2005 is annexed marked 22R(2) to my Statement of Objections, pleaded as part and parcel thereof

- b) My said Letter dated 1.7.2005 (**P32**) / (**22R(1)**) was responded to by Letter dated 4.7.2005 by the then Chairman (21st Respondent) of John Keells (18th Respondent), even in which, the fact that the said Land in fact had been purported to be transferred on 19.1.2005, was significantly and questionably suppressed.

A true copy of the said Letter dated 4.7.2005 of then Chairman (21st Respondent) of John Keells (18th Respondent) is annexed marked 22R(3) to my Statement of Objections, pleaded as part and parcel thereof

- c) i) My said Letter dated 1.7.2005 (**P32**) / (**22R(1)**) was also forwarded to the Secretary to the Treasury, P.B. Jayasundera (8th Respondent) by LMSL (19th Respondent) by their Letter dated 6.7.2005.

- ii) Even then, the Secretary to the Treasury, P.B. Jayasundera (8th Respondent), who was also a Commission Member of PERC, did not disclose to me or to PERC, that the said Land, in fact, had been purported to be transferred to LMSL (19th Respondent) on 19.1.2005.

A true copy of the said Letter dated 6.7.2005 is annexed marked 22R(4) to my Statement of Objections, pleaded as part and parcel thereof

- d) Subsequently, shortly before my resignation as PERC Chairman, when such fact was brought to my attention by a member of the PERC Staff, I directed the then Director General, PERC, Leel Wickramarachchi to obtain copies of all relevant documents from the Land Registry and to file the said copies in the PERC File pertaining to the subject matter, which he did.
7. a) Further answering paragraph 32(b) and paragraphs 25, 26, 27, 28, 29, 30 and 31 of the Petition, I state that, whilst I was being examined on 28.11.2006 by COPE, on the transaction put in issue by the Petitioner, the COPE's Sub-Committee clarified, as to whether I had concurred with the aforesaid transfer of the Land, referring to a copy of my Letter dated 15.7.2004, which had been addressed to V. Kanagasabapathy, Director General, Public Enterprises Department, Treasury, which had been written shortly, after I had assumed Office as PERC Chairman on 28.5.2004, and therefore had not studied the said matter at that time.

A true copy of the said Letter dated 15.7.2004 is annexed marked 22R(5) to my Statement of Objections, pleaded as part and parcel thereof

- b) I promptly clarified to the COPE Sub-Committee, that I had not concurred with the same, and that such purported transfer of the said Land had taken place, without my knowledge, and that Letter dated 15.7.2004 had been written by me, to consider the avoidance of the incidence of stamp duty, subject however, to the concurrence of the Hon. Attorney General, by a double transfer i.e. from the Government (the said Land at that time was believed to be Government Land) to Ceylon Petroleum Corporation (17th Respondent), and thereafter to LMSL (19th Respondent), since the Ceylon Petroleum Corporation (17th Respondent) had to bear the cost of stamp duty payable on the purchase consideration, on such transfer.
- c) Consequently, I addressed my Letter dated 1.12.2006 to Dilan Perera M.P., Chairman, COPE Sub-Committee, clarifying the said matter, and *inter-alia*, stated as follows:

"Also when questioned, I stated that I was totally unaware of the 'transfer' of this Land. I did not elaborate on this matter at the Meeting in view of the presence of others. Dr. P.B. Jayasundera telephoned me one day and wanted this Land transfer effected immediately - '*Hetama karala dhanna*'. I refused to do so without examining the matter. Subsequently, unknown to me, the Land had got 'transferred' at the instance of the then Secretary, Ministry of Power & Energy, Mr. P. Weerahandi. I enclose Letter dated 3.11.2004 from John Keells Holdings Ltd. addressed to the Ministry of Power & Energy and Mr. P. Weerahandi's Letter of the very same date to Mrs. C. Athurugiriya, Addl. Secretary to the President, after a telephone conversation he had had."

A true copy of the my said Letter dated 1.12.2006 is annexed marked 22R(6) to my Statement of Objections, pleaded as part and parcel thereof

- d) The above referred to telephone call to me by the Secretary to the Treasury, P.B. Jayasundera (8th Respondent) requiring me to have the said Land transferred immediately, was made, no sooner, I was appointed Chairman PERC on 29.5.2004.

- e) I was made to understand, that it was Secretary to the Treasury, P.B. Jayasundera (8th Respondent), who had attempted to implicate me in this matter, when he was being examined by COPE, whereas I had resisted and desisted from taking steps to transfer this Land, and on 5.10.2004 had directed a then Director PERC to pursue on the matter of valuation of the said Land, which he did by Letter dated 5.10.2004 (**P28(b)**) addressed to DFCC Bank (14th Respondent).
- f) It is significantly thereafter, that John Keells (18th Respondent) had addressed Letter dated 3.11.2004 to the Ministry of Power & Energy (**P29(a)**), and the then Secretary, Ministry of Power & Energy, P. Weerahendi (9th Respondent) by Letter of the same date 3.11.2004 (**P20(b)**) had promptly initiated the process to effect a purported transfer of said Land, without any consideration having been paid to the Government- *vide* (**P31(a)**) and (**P31(b)**).
- g) I intimated to COPE that I did not concur with the basis of valuation that had been done by DFCC Bank (14th Respondent), who had been selected without due process, as referred to at paragraphs 10 and 11 of the Petition.
8. a) Further answering paragraph 30 of the Petition, I quote the following paragraph of my Letter dated 1.7.2005 (**P32**) / (**22R1**) which was addressed to then Chairman (21st Respondent) of John Keells (18th Respondent):
- "Requests for the Annual Audited Accounts of Lanka Marine Services (Pvt) Ltd., for the Post-Divestiture Period, in the context of an overall Post Divestiture Review & Survey that PERC was carrying out in respect of all Public Enterprises, which had been Divested, had not been responded to by you, notwithstanding Lanka Marine Services (Pvt) Ltd., being a subsidiary of a listed Public Company, and the public being entitled to copies of the said Annual Accounts in terms of the provisions of the Companies Act No. 17 of 1982. PERC had thus to obtain copies of the Annual Accounts of Lanka Marine Services (Pvt) Ltd., from the Registrar of Companies in terms of the Law."
- b) The then Deputy Chairman, Susantha Ratnayake, present Chairman (20th Respondent) of John Keells (18th Respondent) urged Mano Tittawela, the then Senior Advisor to H.E. the President and Chairman SEMA, to prevent PERC from persisting to call for the Accounts of LMSL (19th Respondent), at a Meeting had with me.
- c) Consequently, in terms of Section 427 of the Companies Act No. 17 of 1982, I obtained for PERC copies of LMSL (19th Respondent) Accounts from the Registrar of Companies.
9. a) Further answering paragraph 20 of the Petition, I state that the subject matter of the litigations referred to therein, resulted in time consuming unproductive correspondence, discussions and endeavours, as evidenced by the annexed Letters dated 3.3.2004 (**P21**), 18.11.2004, 18.3.2005, 18.5.2005, 20.5.2005, 1.7.2005 (**P32**) / (**22R(1)**), 1.7.2005 (**22R(2)**) and 6.7.2005 (**22R3**).
- True copies of the said Letters dated 3.3.2004 (P21), 18.11.2004, 18.3.2005, 18.5.2005, 20.5.2005 are annexed marked 22R7(a), 22R7(b), 22R7(c), 22R7(d) and 22R7(e), respectively, to my Statement of Objections, pleaded as part and parcel thereof*
- b) The said disputed matter was ended by the Order of the Court of Appeal on 1.8.2005 (**P22**), referred to at paragraph 20(e) of the Petition.
10. Further answering paragraph 24 of the Petition, I state that the said Claim too, involved endeavours and efforts to be made for the Government to have succeeded in the Arbitration referred to in the said paragraph, which involved a Claim of US \$ 9.2 Mn. against the Government, which, if had to be paid by the Government, on the Arbitration being lost, would have amounted to the wipe out of almost the entire purchase consideration of Rs. 1,200 Mn. paid by John Keells (18th Respondent) to the Government for the 90% Shareholding of LMSL (19th Respondent).

11. a) Whilst this Application is pending Hearing before Your Lordships' Court, there appears to be a concerted attempt in the media, to project John Keells (18th Respondent) and its Chairman, Susantha Ratnayake (20th Respondent), who, as disclosed, have been impleaded in this transaction put in issue by the Petitioner, ironically to be projected in the public domain, as Sri Lanka's 'most respected entity', *inter-alia*, in 'honesty', 'corporate social responsibility' and 'national-mindedness', with its Chairman, Susantha Ratnayake (20th Respondent) projecting that he puts the 'country before self'.
- b) i) It is to the 20th Respondent, Susantha Ratnayake, as then Director, John Keells (18th Respondent), that the 8th Respondent, P.B. Jayasundera, then Chairman PERC, had addressed Letter dated 12.7.2002 (P15(a)) awarding the sale of 90% Shareholding of LMSL (19th Respondent) to John Keells (18th Respondent).
- ii) It is the (20th Respondent) Susantha Ratnayake, as then Director, John Keells (18th Respondent), who had promptly addressed a reply also dated 12.7.2002 (P16) to the 8th Respondent, then Chairman PERC, accepting the award and agreeing to conclude the transaction.
- iii) It is the 20th Respondent, Susantha Ratnayake, as then Director, John Keells (18th Respondent), who had addressed Letter dated 31.7.2002 (P18(a)) to PERC, requesting for several concessions, (including the impugned 'monopoly' struck down by the Court of Appeal (P22)) consequent to which, the 8th Respondent is noted on the said Letter (P18(a)) to have met John Keells (18th Respondent) on 2.8.2002.
- iv) It is the 20th Respondent, Susantha Ratnayake, as then Director, John Keells (18th Respondent), who had addressed Letter of same date 2.8.2002 (P18(b)) to P.B. Jayasundera (8th Respondent), then Chairman PERC, confirming the said Meeting had on the said date, and thanking P.B. Jayasundera (8th Respondent), then Chairman PERC, for agreeing to the issues in the said Letter dated 31.7.2002 (P18(a)).

True copies of the 'cover page' of the LMD Magazine of August 2007 and a full page advertisement carried in the newspapers in August / September 2007 are annexed marked 22R8(a) and 22R8(b), respectively, to my Statement of Objections, pleaded as part and parcel thereof

12. In the foregoing premises, I reiterate that I concur and agree with the contentions of the Petitioner and pray that Your Lordships' Court be pleased to grant the reliefs prayed for in his Petition.

The foregoing Affidavit having been read over and explained by me to the affirmant thereof and he having admitted to have understood the contents thereof affirmed to and signed at Colombo on this 7th day of September 2007



BEFORE ME

TRUE COPY

V. W. Anurathna Associates

Attorneys-at-Law for the *22R8*
~~Plaintiffs~~ ~~Defendants~~ ~~Appellants~~
~~Petitioners~~ ~~Respondents~~

S. Navarathanam
 JUSTICE OF THE PEACE



S. NAVARTHANAM
 Justice of the Peace
 No. 25/10, Wipulaseera Mawatha,
 Colombo - 10.

007/09/07

22R(6)

BY COURIER

1st December 2006

Hon. Dilan Perera Esqr.,
Chairman, Sub-Committee of the Committee
on Public Enterprises,
Parliament of Sri Lanka,
Sri Jayewardenepura,
Kotte.

Hon. Chairman,

PRIVATISATION OF LANKA MARINE SERVICES LTD. (LMSL)

At the COPE Sub-Committee Meeting on 28.11.2006, you intimated that you wished to raise a question, and Hon. Ravi Karunanayake at that time concurred, that he too wished to raise the same question.

After your early departure, Hon. Ravi Karunanayake sought clarification on my Letter dated 15.7.2004 addressed to Mr. V. Kanagasabapathy, DG, Public Enterprises and copied, among others, to Dr. P.B. Jayasundera, Secretary to the Treasury, specifically in relation to the last paragraph therein, wherein I had raised the question, as to whether the Land in issue could not be given by way of an outright grant by the Government to LMSL, subject to Hon. Attorney General's concurrence.

In response thereto, I drew attention my Letter dated 1.7.2005 addressed to Chairman, John Keells Holdings Ltd., copied, among others, to the Hon. Attorney General, and I drew attention to para no. 4 on page 2, whereby I had raised the issue of purchase consideration for the market value of the Bloemendhal Land 8A 2R 21.4P that had been agreed to be transferred to LMSL. My Letter dated 1.7.2005 had also been forwarded by PERC to Mr. V. Kanagasabapathy, DG, Public Enterprises.

My Letter dated 1.7.2005 had been forwarded under cover of Letter dated 6.7.2005 by LMSL to Dr. P.B. Jayasundera, Secretary to the Treasury. (Copy annexed).

By my Letter dated 15.7.2004, I had raised the query of the matter of 'transfer instrument' only, since as per the Agreement, the Land, for which Ceylon Petroleum Corporation (CPC) had paid the Government around Rs. 60 Mn. in 1990, was to be given by the Government by way of an outright grant to CPC, and thereafter transferred to LMSL by CPC, CPC incurring Stamp Duty therefor.

Therefore, as per my Letter dated 1.7.2005, there was no question, whatsoever, of me having ever suggested that the Land ought to be given free of consideration; I raising the issue of market value.

On the contrary, I do not agree with the concept that the 'business valuation' for a profitable business, also could include the value of Land of an appreciating value, reckoned on the basis of discounted cash-flows. In this instance, DFCC had in fact, taken the Land into account at Rs. 150,000/- per perch and projected the same at 9% p.a. interest for 15 years for 'business valuation' and discounted at 18% to 20% p.a. to give a 'present value' in 2002 of Rs. 30 Mn. to 50 Mn. for this Land. Hence, of the Rs. 1200 Mn. 'floor price', this Land had been included only at Rs. 40 Mn. (mid-point) in 2002, whereas in 1990 CPC had paid around Rs. 60 Mn. to the Government for this Land, and in 1993 the Chief Valuer had valued the same at Rs. 83 Mn. In addition to a 'business valuation', an 'assets valuation' too is what is normally done, as evidenced by Letter dated 7.5.2002 written to PERC by the Chief Valuer on this very same LMSL matter.

Also when questioned, I stated that I was totally unaware of the 'transfer' of this Land. I did not elaborate on this matter at the Meeting in view of the presence of others. Dr. P.B. Jayasundera telephoned me one day and wanted this Land transfer effected immediately - '*Hetama karala dhanna*'. I refused to do so without examining the matter. Subsequently, unknown to me, the Land had got 'transferred' at the instance of the then Secretary, Ministry of Power & Energy, Mr. P. Weerahandi. I enclose Letter dated 3.11.2004 from John Keells Holdings Ltd. addressed to the Ministry of Power & Energy and Mr. P. Weerahandi's Letter of the very same date to Mrs. C. Athurugiriya, Addl. Secretary to the President, after a telephone conversation he had had.

In the admitted absence of consideration, falsely stated to had been paid by LMSL and received by the Government, on the Instrument of Disposition dated 19.1.2005, I believe that 'title' to this Land could not have legitimately passed on such a fabricated / fraudulent document.

I also annex John Keells Holding's Letters dated 31.7.2002 addressed to DG PERC and 2.8.2002 addressed to Dr. P. B. Jayasundera, Chairman, PERC, contents of which are self-explanatory.

Yours faithfully,



Nihal Sri Amerasekera

TRUE COPY

V-W Anurathne Associates

Attorneys-at-Law for the ~~2014~~

~~Plaintiffs~~ ~~Defendants~~ ~~Appellants~~

~~Petitioners~~ ~~Respondents~~



**PUBLIC ENTERPRISES REFORM
COMMISSION OF SRI LANKA**

11-01 West Tower,
World Trade Center, Echelon Square,
Colombo 1, Sri Lanka.

Tel: 346831/338756
Fax: 325116/342544

E-Mail: info@perc.gov.lk
<http://www.perc.gov.lk>

22R(5)

15th July 2004

Mr. V. Kanagasabapathy
Director General
Department of Public Enterprises
General Treasury
Colombo 1

Dear Sir,

OUTSTANDING ISSUES OF LANKA MARINE SERVICES LTD. (LMSL)

Further to the letter dated 28th June 2004, the following facts are set out, so that this matter could be lawfully resolved.

1. Clause 3.2 of Agreement between the Government, Ceylon Petroleum Corporation (CPC) and John Keells Holdings Ltd. states as follows:
 - (a) The GOSL shall ensure the transfer and the Vendor shall obtain and transfer freehold title to the Bloemendhal Terminal in accordance with the Agreement to Transfer, bearing No.538 dated 20th August 2002, attested by K. Kaluaratchi of Colombo Notary Public.
 - (b) Until steps are taken to transfer title to the Bloemendhal Terminal to the Company as aforesaid, the GOSL and the Vendor shall ensure that the Company shall have, from the date hereof, vacant, undisturbed and uninterrupted possession of the Bloemendhal Terminal, however excluding the portion of land, which is presently occupied by the Sri Lanka Army. It is acknowledged that there will be no rent charged for the Bloemendhal Terminal until the transfer is duly effected. The Vendor shall ensure that vacant possession of that part of this property presently occupied by the Sri Lanka Army will be given, within three (03) months from the Closing Date.
 - (c) Subject to Clause (a) above, the Vendor shall ensure that the Company is the legal owner of all fixed assets reflected in the balance sheet of the Company as at 31st March 2002 free of Encumbrances, including the title of the two barges, the details of which are contained in Annex I, within two (02) weeks from the Closing Date.

2. Claim 3.2 (a) above refers to an Agreement between the Secretary to the Treasury, CPC and Lanka Marines Services Ltd. (LMSL) to cause the above land to be transferred to LMSL.
3. The above transfer has not taken place to-date.

Could not this Land be directly given as and by way of an outright grant by the Government to LMSL, subject to AG's concurrence, to conclude this matter?

Yours faithfully,

Nihal Sri Amersekere
Chairman

c.c. Dr. P.B. Jayasundera, Secretary to the Treasury
Mr. Jaliya Madagama, Chairman, CPC
Mr. Susantha Ratnayake, Chairman, John Keells Holdings Ltd
Mr. Nihal Jayawardena, Senior State Counsel, A.G.'s Dept.

TRUE COPY

v/w Nihal Sri Amersekere
Attorneys-at-Law for the *22nd*
Plaintiffs—Defendants—Appellants
—Petitioners—Respondents

July 1, 2005

BY HAND / FAX / REGISTERED POST

Mr. V. Lintotawela
Chairman
John Keells Holding Ltd
130, Glennie Street,
Colombo 2

Dear Sir,

Bunkering Vessels in the Port of Colombo

We write with reference to your Letter dated 20.5.2005 addressed to Mr. Saliya Wicremasuriya, Chairman / DG, BOL, with copy to the Hon. Attorney General, Mr. Mano Tittawella, Chairman, SEMA, Mr. Dileepa Wijesundera, Chairman, SLPA and the undersigned, and with particular reference to the last paragraph on Page 1, going on to Page 2, where you refer to the undersigned and PERC Officials having been present at a Meeting on 2.12.2004.

We also draw reference to Letter dated 18.5.2005 from Mr. Sanjeewa Fernando, Managing Director, Lanka Marine Services (Pvt) Ltd, with copies to the Secretary to the Treasury and Chairman, CPC, which Letter has been referred to us by the Treasury for necessary action.

At the very outset it is necessary to state that the PERC Officials present at the said Meeting did not concur with the representations made by your Deputy Chairman, Mr. Susantha Ratnayake. Infact, the undersigned intimated that there were certain issues in relation to this matter.

Some of the matters in your Letter which necessitates response, it having been copied to us are as follows :

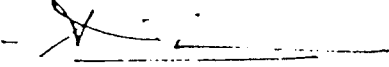
1. We draw attention to the final paragraph on Page 2 of your Letter itemized as (v), wherein you state that the bid of Sri Lanka Shipping Co. Ltd., had been rejected on the basis that their offer had been based on a monopoly. From the records available it is a fact that Sri Lanka Shipping Co. Ltd., who had qualified to make Financial Proposals had had their proposal disqualified by the Technical Evaluation Committee (TEC), since their proposal had requested for a monopoly for bunkering for a 8-year period. Such rejection had been on the basis that it had not been a Condition set out in the Request For Proposal (RFP).

2. The Cabinet of Ministers, disregarding the Observations dated 7.8.2008 made by Her Excellency the President, suggesting that the consideration of this privatisation of a major Government asset be deferred to consider the implications on the operation of several other State Institutions, including the CPC, had approved the divestiture of Lanka Marine Services (Pvt) Ltd., on 14.8.2002 in terms of the Cabinet Memorandum dated 21.6.2002.

You, by your subsequent Letter dated 31.7.2002 forwarded to PERC had *inter-alia* required that 'all marine fuels / bunkers handled and transported within the Port of Colombo are so handled and transported using the Common User Facility (CUF) as defined in the CUF Agreement'; consequent to which, Clause 8.2 had been included in the CUF Agreement signed on 20.8.2002, which Clause had not been in the previous draft Agreement, which had been finalized.

3. It is based on such Clause, that had been so included, that you are insisting that you be afforded a monopoly, including the prevention of off-shore bunking, from ship to ship, on which the Hon Attorney General has already given an Opinion to the effect that such prevention would be a violation of the Fundamental Rights of others, in terms of the Constitution of the Republic.
4. As regards, the purchase consideration of Rs. 1200 Mn., you have referred to: this as per the records available had been based on a valuation, which had been done by DFCC on a basis of a 'discounted cash flow'. On a question raised by the Chairman, CPC, as to whether this valuation had included the Market Value of the Land at Bloemenhal, 8 Acres 2 Roods and 21.4 Perches, that had been agreed to be transferred to Lanka Marine Services (Pvt) Ltd, it has been disclosed that the Market Value of such an extent of Land had not been taken into reckoning.
5. Requests for the Annual Audited Accounts of Lanka Marine Services (Pvt) Ltd., for the Post-Divestiture Period, in the context of an overall Post Divestiture Review & Survey that PERC was carrying out in respect of all Public Enterprises, which had been Divested, had not been responded to by you, notwithstanding Lanka Marine Services (Pvt) Ltd., being a subsidiary of a listed Public Company, and the public being entitled to copies of the said Annual Accounts in terms of the provision of the Companies Act No. 17 of 1982. PERC had thus to obtain copies of the Annual Accounts of Lanka Marine Services (Pvt) Ltd., from the Registrar of Companies in terms of the Law.

Yours faithfully,


Nihal Sri Ameresekere
Chairman

Copied to

- Mr. Saliya Wickremasuriya, Chairman / DG, BOI
- Mr. Dileepa Wijesundera, Chairman, SLPA
- Mr. Mano Tittawella, Chairman, SEMA
- Hon. Attorney General
- Her Excellency the President

P18(a)

Annex XXIII

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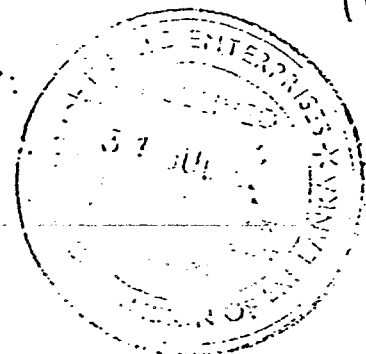
John Keells Holdings

John Keells Holdings Limited

P.O. Box 76, 130, Glenne Street, Colombo 2, Sri Lanka.
Telephone : 306000 (10 lines) 421101 (8 Lines) Fax : 447087, 439026
e-mail : jkh@keells.com Website : www.keells.com

July 31, 2002

ALMS



Mr. Deepal Gunaratne
Director General
Public Enterprises Reform Commission
Level 11, West Tower
World Trade Centre
Colombo 1

Dear Sir,

SALE OF LANKA MARINE SERVICES (PVT) LTD (LMSL)

We refer to your letter dated 30th July 2002, seeking an extension of the validity period of the "Undertaking to Pay". We would wish to point out that the validity period of the "Undertaking to Pay" would expire only on the 2nd August 2002 and not 31st July 2002 as indicated in your letter.

We wish to take this opportunity to bring to your attention that there remain several issues that need to be resolved urgently as listed below.

- Confirmation that all marine fuels/bunkers handled and transported within the Port of Colombo are so handled and transported using the Common User Facility (CUF) as defined in the CUF Agreement. ✓
- The schedule identifying all repairs, replacements and upgrades that are to be undertaken by the SLPA in respect of the CUF which should also include the remedies available to LMSL. ✓
- The schedule for routine and preventive maintenance along with remedies available to LMSL. ✓
- Confirmation that basis of scheduling as outlined in Clause 7.5 should be developed jointly by SLPA, LMSL and other users taking into account the quantum and frequency of marine fuels handled by users of the CUF. ✓
- Confirmation that the rental payable for office space at the South Jetty would be determined based on the representations made by PERC in their letters of 10th and 21st May 2002. ✓
- Stamp Duty payable on the transfer of land to be borne by GOSL/CPC. ✓

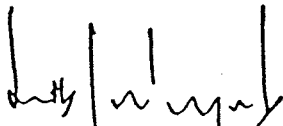
Chairman Met with JKH on
2/2/02



We are concerned with the delays in concluding this transaction as envisaged in your letter dated 12th July 2002 and as such would appreciate your agreement and resolution of the issues raised above together with the minimum extension required by PERC in respect of the "Undertaking to Pay" in order that we consider such an extension.

Thanking you,

Yours faithfully
JOHN KEELLS HOLDINGS LTD

A handwritten signature in black ink, appearing to read 'Susantha Ratnayake', written in a cursive style.

Susantha Ratnayake
Director

P18(b)

Annex xxiv

John Keells Holdings

John Keells Holdings Limited

P.O. Box 76, 130, Glennie Street, Colombo 2, Sri Lanka.
Telephone : 306000 (10 lines) 421101 (8 Lines) Fax : 447087, 439026
e-mail : jkh@keells.com Website : www.keells.com

2nd August 2002

① 24/PERC: ②
2/8
Dhimi
5/8

Dr P B Jayasundera
Chairman
Public Enterprise Reform Commission
Level 11, West Tower
World Trade Centre
Colombo 1

Ruwan
this is an extension to
bid bond. A file.
579.

Dear Sir

SALE OF LANKA MARINE SERVICES (PRIVATE) LIMITED (LMSL)

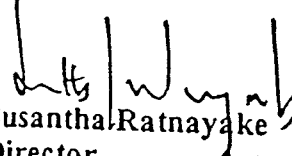
We refer to the meeting held at your offices today. We thank you for agreeing to address the outstanding issues outlined in our letter dated 31st July 2002 towards finalizing the Agreements.

As you have not received the requisite approvals to enter into the Agreements and as requested by you, we enclose herewith an extension of the Undertaking to Pay valid until 8th August 2002.

We look forward to receiving the revised draft agreements reflecting the outstanding issues as outlined in our letter and the understanding reached today for our concurrence. || *

Thanking You

Yours faithfully
JOHN KEELLS HOLDINGS LIMITED


Susantha Ratnayake
Director



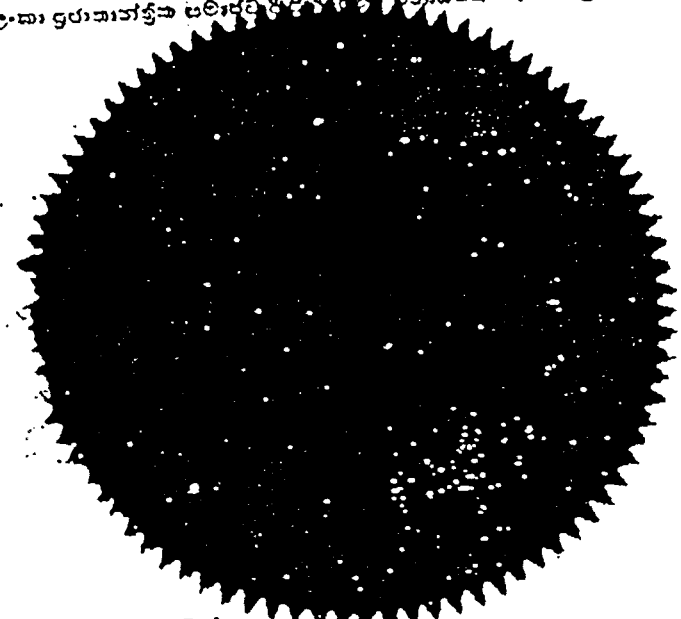
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දැමුණු කාර්යයන් හා ලැබුණු කාර්යයන් හෝ සමාගමේ හෝ ඔවුන් හෝ ඔවුන්ගෙන්

කවරකු වුවත් වෙනුවෙන් හෝ මගින් හෝ යටතේ හෝ සමාගම හේ
භාරකරුවෙකු වන දේශීය සේවක කවරකු වුවත් එහි දැමුණු දේශීය හෝ පොද්ගලික හෝ පොද්ගලික යට දැනී රී
විනිස වර්ගයක් හෝ ලෝක වර්ගයක් යට කී පරිදි රී සඳහා ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයෙන් දීමාකරුන්ගේ
විලසක් ලබා නොගෙන සේවකයන් භාණ්ඩ සැලැස්වීමේ කාර්යයන් සඳහා වන කාර්යයන් රටේ කල වසා
වේ දීමනාව අවලංගු වී බල රහිත වන බව ද මේ ඉඩම රටාපනි නගන ලද පත් කාරණ ලද සියලු කාර්යයන් සඳහා කීවේ
සමහර කාර්යයන් සඳහා දීමුණු කීවේ වෙනුවෙන් එකී කාර්යයන්

සමාජික ලක්ෂණ මාරු කිරීමේ පත්‍රිකාව (පොද්ගලික) සමාගම

ආ සමාගමේ හේ උරුමකරුන් හා පොල්මාකරුන් හා
දැමුණු කාර්යයන් හා ලැබුණු කාර්යයන් හෝ ඔවුන් හෝ ඔවුන්ගෙන්
කවරකු වෙනුවෙන් වුවත් හෝ මගින් හෝ යටතේ හේ භාරකරුන් වන විට

දැමුණු කාර්යයන් සඳහා කවරකු වුවත් මෙහි වන්දි දීම සඳහා කීවේ කාර්යයන් සඳහා ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජය
වෙත ආපසු පැවරුණු රජයේ සේවක ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ දැමුණු වන බව ද ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික
සමාජවාදී ජනරජයේ ජනාධිපති වන අපි වැඩි දුරටත් මෙහි ප්‍රකාශ කරමිනි

කෙසේ වෙතත් පවරා කීවේ දැනු ලැබුවේ ඉහත කී ඉඩම සම්බන්ධයෙන් මෙහි සඳහන් විස්තරය හා ප්‍රමාණය නිරවද්‍ය
ලෙස මෙහි පැවරුණු දුකු බවක් මින් පසු රී සම්බන්ධයෙන් සම්පූර්ණයෙන් හෝ වරදක් පෙනී ගියහොත් එකී කාර්යයන්

සමාජික ලක්ෂණ මාරු කිරීමේ පත්‍රිකාව (පොද්ගලික) සමාගම

ආ සමාගමේ හේ උරුමකරුන් හා පොල්මාකරුන් හා දැමුණු කාර්යයන් හා
ලැබුණු කාර්යයන් හෝ එහේ වුව විට නිසි වන්දි සඳහා වන විට හෝ විටකාලය වන විට ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී
ජනරජයේ කෙටි පුද්ගලයන් යටතේ අඩු කාරණ ලෙස දැමුණු කාර්යයන් සඳහා වන කාර්යයන් රටේ කල වසා
ලැබේ.

මම පාත්‍ර වීමේ වරද දැනගත් නමින් නමින්

මම නමින් වැනි ද වන මෙහි එහි ශ්‍රී ලංකාව

..... නමින් ද ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී
ජනරජයේ රාජ්‍ය ප්‍රධාන මෙහි පවරා දීමට පැවරුණු සේවකයෙකිනි.

ලැබෙන්නාට හා පොල්මාකාරයන්ට හා අද්විතීයත්වයකාරයන්ට හා ලැබුණාට හා සඳහා වන ම නිරවුල්ව බුද්ධි
විදි වැඩ වෙළෙන් පවරා හර දෙවන. එනම්, ඉඩකඩ පවරාගෙන දනව පවරනා වු දීන් මතු පැනවිය හැකිවන්නා
වු ද සාමාන්‍ය රෙගුලාසි වලට එකී ඉඩම හැම විටකදී ම යටත් වන බවය. එසේ මෙයින් පවරා හිමිකර දුන් ඉඩමටලට හෝ
ඉඩම වලින් යම් කොටසකට ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ දිලෙන්න දන් සාදනිමන්නා වු හෝ දනව
සාදනා පත්‍ර ලබන්නා වු හෝ දීන් පසු සාදනු ලබන්නාවු හෝ යම් කිසි ව්‍යවහාර කටයුත්තකින් ජලය ලබාගත හැකි
වුවහොත් ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ජනාධිපතිවරයා විසින් පස් වර්ෂයක් පස් වර්ෂයක් පාසා වෙනස් කළ යුතු
වු ද ආභූමි කාරයන් විසින් වර්ෂයක් පාසා ජනාධිපතිවරයා විසින් පුදු වු ද නීත්‍යානුකූලව අයහරනු ලබන්නා වු ද ජල බද්දකට
ඒ ඉඩම හෝ ඉඩම කොටස් සවත් වන බවය. ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ කඩඉදු සඳහා හෝ මීට
කලින් ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයෙන් විලව හන්නා ලද්දවු හෝ වන්නටු ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී
ජනරජයෙන් විලව හනුලබන්නා වු වෙන ඉඩමවල අයිතිකාරයන්ගේ ප්‍රයෝජනය සඳහා හෝ අවශ්‍ය විය හැකි පාරවල් සහ
පාලම් සෑදීම සඳහා හෝ ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයට හෝ ඒ වෙනුවෙන් හෝ එහි සේවක වලට ශ්‍රී ලංකා
කර්ම කවරකු හෝ කඩුරුන් වුවත් මේ ඉඩමවල කවර කොටසක වුවත් මුද්ගිය ආපසු මාරුගත වීම ඇතුල් වීම හැම විටම
නීත්‍යානුකූල වන බවය. එකී පාරවල් හෝ පාලම් හෝ වෙන ඕනෑම ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ
කර්මාන්තයක් සෑදීමට හෝ අධුනවැඩියා කොට නඩු ගැනීමට වුවහොත් විය හැකි සියලු දේදම, කර්මල, කඩුන්ගල් හා
ඒ ඉඩමවලින් ලබන පසුදුරායන් ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජය හෝ ඒ වෙනුවෙන් හෝ එහි බලය වීම මුද්ගිය,
කර්ම කවරකු හෝ කඩුරුන් වුවත් තමා ගැනීම හෝ සොයා ගැනීම හෝ සාරා ගැනීම හා ඉවතට ගෙන යාම හැම විටම
නීත්‍යානුකූල විය යුතුබවය—පහ මේ වීඩි විධිනවලට ද යටත්ව එකී ඉඩම එකී.....

.....විධිගැනීම.....ලංකා.....වැරදි.....සාධකයක්.....(.....ලංකා.....).....ගැනීම.....

.....ම හා.....යටගනී.....මේ
ලැබෙන්නාට හා පොල්මාකාරයන්ට හා අද්විතීයත්වයකාරයන්ට හා ලැබුණාට හා සඳහා වන අයිති සහ ගෙන බුද්ධි
විදිවෙය.

කවද, ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජය එකී ඉඩමවල පොළොව මතු පිට හෝ පොළොව යට ඇති පතල්, බනිජ
වර්ග, විනිජන්, රන්, පීදී, කම්, යකඩ, බෙලෙන්, ඊයම් යන වෙඩියේ සහ පෙසු ලෝහ වර්ගවලින් ඒවායේ ලෝහයන්වලින් සියලු
වනිජ කෙල් වර්ගවලක් කල් අඳුරුවල හෝ වැලිගල්වල හෝ බනිජ පොල් ලබාගතහැකි පෙසු ලෝහවලට හෝ රවිකිවලක්
(එකී බනිජ කෙල් වර්ග හෝ කල්අඳුරු හෝ වැලිගල් හෝ පෙසු ලෝහය හෝ රවිකි යට කී පරිදි මේ ඔප්පුවෙහි "බනිජ වර්ග"
යන පාඨයට ඇතුළත් වුවා පොව සැලකිය යුතුය.) සියලු අයිතිවාසිකම් පිළිවෙලින් එකී වර්ග පෙවීම සඳහා එකී ඉඩමවලට
ඇතුල්වීමේ පවිසරය බලය ද යට කී පරිදි ඒ පාරවල් හා පාලම් සෑදීම නැතහොත් යට කී කටයුතු සඳහා ලී දමු, කර්මල,
කඩුන්ගල් යන වෙඩිය සහ පෙසු දුරාය කපා ගැනීමේ සහ ලබා ගැනීම හා ඉවතට ගෙන යාම නැතහොත් ඒ පතල් පොසා ගැනීම
හෝ ඒ පතල්වල වැඩ සිටීම නැතහොත් එකී ඉඩමවල පොළොව මතු පිට හෝ පොළොව යට ඇති එකී විනිජන්, රන් පීදී
කම්, යකඩ, බෙලෙන්, ඊයම් යන වෙඩිය හා පෙසු ලෝහ වර්ග හෝ ඒවායේ ලෝහය හෝ වෙන ඕනෑම බනිජ වර්ගයක් ලබා
ගැනීම හා ලඝුකිරීම හා ඉවතට ගෙන යාම විධින අවශ්‍ය සියලු බලතල හා විශේෂ නිදහසද ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී
ජනරජය වෙත මෙයින් කඩාගනී.

එකී ඉඩමවල කිසි පොසාගත හැකි යට කී බනිජ වර්ගවලින් හෝ ලෝහ වර්ගවලින් නිපවක් එකී ගැනුමකාර
.....විධි.....ගැනීම.....ලංකා.....වැරදි.....සාධකයක්.....(.....ලංකා.....).....ගැනීම.....

හෝයටගනී.....මේ ලැබෙන්නාට හෝ පොල්මාකාරයන්
හෝ අද්විතීයත්වයකාරයන් හෝ ලැබුණාට හෝ වසින් හෝයටගනී.....
මුදුන් හෝ මුදුන්ගෙන් කවරකු වුවත් වෙනුවෙන් හෝ මගින් හෝ යටපත් හෝ.....යටගනී.....

.....මේ කර්මාන්තය පිට අයිතිවාසිකම් නිපත කවරකු විසින් වුවත්
ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයෙන් ඒ බනිජ වර්ගයක් හෝ ලෝහ වර්ගයක් පෙවීම හෝ සැවීම හෝ ගැනීම හෝ
සඳහා ලබාගත් විශේෂ දීමනාපත්‍රයක් හෝ බලපත්‍රයක් ඇතිව ඒ දීමනා පත්‍රයෙහි හෝ බලපත්‍රයෙහි සඳහන් රාජ්‍යභාගවලට
හා කොන්දේසිවලටම යටත්වීම මේ දීමනා පත්‍රය යටපත් හෝ දීන් පසු ලැබෙන සිත්තන්කරයන් හෝ බද්දකරයන් හෝ වෙන
නීත්‍යානුකූල අයිතිවාසිකම් හෝ ඔප්පුකිරීමට ආදියක් හෝ යටපත් ඒ බනිජ වර්ගයක් හෝ ලෝහ වර්ගයක් පෙවීම හෝ සැවීම
හෝ ගැනීම හෝ ලබාගැනීම හෝ නිදහසකුල පොවන බව ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ජනාධිපති වර
අයි මෙයින් ප්‍රකාශ කරනම.

PUBLIC

ICES REFORM COMMISSION OF SRI LANKA



ANNEX 38

March 21, 2006

Dr P.B. Jayasundera
Secretary to the Treasury
General Treasury
The Secretariat
Colombo 1.

Dear Sir,

Transfer of Land at No 69, Wall's Street, Colombo 15

As per our records, the subject Land was purchased by Lanka Marine Services (Pvt) Ltd on 19.1.2005, for a sum of Rs 1,199,362,500/= (Rupees One Billion, One Hundred & Ninety Nine Million, Three Hundred & Sixty Two Thousand, Five Hundred).

Please confirm whether the Government received the above consideration as stated in the attached documents.

Yours faithfully,

W M Bandusena
Chairman.

Attachments a/s

DATED

Could you please confirm the receipt of this amount?

D
21/03/06

A.D (M).

Pl. check this and report.

3/04/06

Dh. (PE)

No. We haven't received this money.

Chairman,
Public Enterprises Reform Commission.

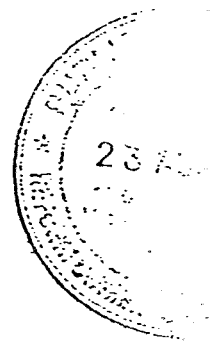
Transfer of Land at No. 69, Wall's Street, Colombo 15.

This refers to the your letter dated 21.03.2006 on the above subject.

Director General, Department of Treasury Operation has confirmed that they have not received any money on this regard.

K.P. Indran
Director
For Director General

land ws



*Mr. Arumugam submitted the copy of profile of
there has been a long delay in
communicating the opinion of the
Treasury to PERC.*

NOTE:

DGPE telephoned and told me today
that they have passed their letter to
PERC on 18/3/2006 and they
request that I should send the
file.

*Mr. Arumugam
pl. draft a report on the
on Mr. and discuss
23/3*

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