

I English Media Exposés

THE ISLAND, Wednesday 28th June, 1995 DAILY NEWS, FRIDAY MAY 19, 1995

Probe into malpractices

Choksy and Paskaralingam took all decisions — Witness

by Assumpta Ailes
The former Director added that since he was not familiar with the amended plan, he did not know the cash flow of the hotel and when he highlighted the fact that the number of rooms had increased the physical check objected in court. Mr. Shanmugalingam, floor area of the amended plan approved in 1986 was 10,600 sq metres. The 6,613,000 and the balance with interest was to be paid in 30 annual instalments.

DAILY NEWS, SATURDAY APRIL 22, 1995 PAGE TWENTY ONE

Contradictory report on fire by CDB Fort

By M. J. M. Zarook and Daryll de Silva
The report of the Engineer, Ceylon Electricity Board stated that the fire which had taken place in the office of the Hilton Hotel... Witness was referred to a letter addressed to Tasei Corporation at Hilton Hotel site by St Gilbert Kalupahana.

DAILY NEWS, WEDNESDAY NOVEMBER 06, 1991

Judge issues interim injunction in Hilton case

Colombo District Judge Mr. P. Wijayaratne (now, High Court Judge) has rejected the objections and issued an interim injunction restraining three Japanese firms (of contractors and architects) from demanding or receiving any monies whatsoever in connection with the construction of the Colombo Hilton hotel building until the final determination of the action.
An interim injunction was also issued restraining Hotel Developers (Lanka) Limited from entertaining any demand for claims on paying out any monies to the three Japanese companies.
Accordingly, the present position is that the Defendants' statement, that they have performed their part of the contracts and the willingness shown by the company to accept the same, as set out by the Defendants, cannot be accepted as the basis for payment.
Accordingly, what should be actually considered is, whether, the position of the company in relation to the said matters i.e. whether, the position taken concerning the agreements entered into with the 1st to 3rd Defendants, is adverse to the interests of the shareholders of the company, or else,

AG's dept opposed inspection of Hilton project

(By M. J. M. Zarook and Daryll de Silva)

Mr. Nihal Sri Amerasekera, Chartered Accountant and Advisor to the Ministry of Finance said yesterday before the Special Presidential Commission that he made an application to the District Court to inspect the Hilton Hotel project.

With regard to Japanese government sensitiveness in the matter, it has been pointed out that there has been growing public concern in Japan over frauds involving Japanese companies and public servants. No government in Japan, therefore, would like to be seen while a contract is in progress.

THE ISLAND

Commission to appoint panel of architects to check Hilton Hotel project plan

by Assumpta Ailes
National List MP and former Director Hotel Developers Limited, (HDL) K. N. Choksy, HDL Chairman and Managing Director Cornel Perera and other Directors of HDL, should be made available to the architects. These were the documents not in dispute for example, the building application. The architect should enter into the agreement with the company which will be appointing. Then a complete examination could be done. Justice Perera - That is exactly what we want to do.

THE ISLAND

DAILY NEWS, FRIDAY MARCH 11, 1995

Embarrassed President wanted suit withdrawn

Mr. Nihal Sri Amerasekera told the Special Presidential Commission sitting at the BMICH yesterday, that when he filed action in the district court and obtained an enjoining order preventing payment to the Japanese consortium of Mitsui Taisei etc, Mr. R. Paskaralingam then secretary to the ministry of finance, informed him that President Premadasa was disturbed and wanted him to consider withdrawing the action.

Vasudeva writes to President on Hilton

by Prabath Sahabandu

Mr. INSSPI for Ratnayake, Vasudeva Ratnayakera has in a letter to President Ransinghe Premadasa to inquire as to why a director cum shareholder of the Hilton Hotel had to file legal action against the manager in which the hotel was constructed.
Mr. Vasudeva has brought to the notice of the President that Mr. Nihal Amerasekera the Director had filed a case in the District Court of Colombo alleging that the construction of the Hilton Hotel had not been

THE ISLAND Sunday 14th November, 1993

Hilton Hotel judgment in C'wealth Law Reports

The Supreme Court judgment in the Hilton Hotel case has been given pride of place in the Commonwealth Law Reports of 1993 just released in U.K. The Commonwealth Law Reports in its Commonwealth Law Volume for the year 1992 has reported the judgment at pages 626 to 639.
Court restraining the first, second and third defendants from demanding claims, etc any monies under contracts with the fourth defendant. The first to third defendants were granted leave to appeal by the Court of Appeal on the basis that (a) the District Court Judge had not addressed his mind to whether the appellant had the light of the defences and second defendants raised. The judge had considered the material before him and correctly decided that the applicants had a real prospect of success and a prima facie case. Further, the third defendant, Karg Kikkaku Sokkokuha Y20 Sisho from referring to Shibata & Associates the evidence in detail as there were serious allegations from the decision of a judge of the district court

THE ISLAND Saturday 1st July, 1995

Hilton Hotel dispute settlement with Japanese consortium helps govt. save Rs. 10,200 million — Prof. G. L. Peiris

By Ravi Ladduwahetty

The total saving to the government of Sri Lanka following the signing of the Hilton Hotel dispute settlement

which is to be paid over the next 15 years commencing 1996. Prof. Peiris explained to the local and foreign media personnel, government's commitment which has brought about the large scale saving. However, this settlement has nothing to do with the punitive action

Japanese Ambassador in Sri Lanka Yasuo Naguchi and his predecessor Masaki Kuniyasu. Addressing Journal-

Japanese concerned about Hilton case

by Assumpta Ailes
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THE ISLAND

Sunday 17th January, 1993

Historic Supreme Court Judgment in the Hilton Hotel Case

Shareholder wins legal right to institute action on behalf of a company and in its right in exceptional circumstances

THE ISLAND Sunday 10th January, 1993

Landmark Supreme Court Judgment

Establishes unique legal right of a shareholder to sue on behalf of a company

A Supreme Court Bench presided by the Chief Justice G. P. S. de Silva and comprising Justices Dr. A. R. B. Amarasinghe and K. M. M. B. Kulatunga unanimously delivered a historic Judgment written by Dr. A. R. B. Amarasinghe recently in the Hilton Hotel Case, recognising the legal right of a minority Shareholder, irrespective of the size of Shareholding to institute a derivative/representatives legal action, on behalf of a Company in the right and the interest of The Company, where in the reliefs claimed are for the benefit of the Company and its Shareholders.
This Judgment makes this a landmark case, establishing a legal precedent in this country, keeping in conformity the established international legal practice and Case Law pertaining to Companies.
The Judgment gives comprehensive legal references and authorities in relation to such established international Case Law and the right of Court to intervene in the interest of justice.
In deference to numerous requests and interests expressed in legal circles including students of law and members of the investing public, the Sunday Island next Sunday will carry the full Judgment, which would be of Public and Legal interest.

DAILY NEWS SATURDAY JULY 1ST, 1995

Japanese companies write off Rs. 10.2 b

Hilton Hotel dispute settled

The Hilton Hotel dispute which was a major irritant in Sri Lanka - Japan relations has been settled with the Japanese companies agreeing to write off interest payments and a portion of the capital amounting to Rs. 10.2 billion.



Justice H.S. Yapa

Justice P.R.P. Perera

Justice F.N.D. Jayasuriya

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Addressing Journal-

New turn in Hilton dispute

THE SUNDAY LEADER, OCTOBER 15, 1995

Shame, shame Professor Peiris!

The Hilton issue continues to stink



Adjournment Question

Minister of Justice and Constitutional Affairs and Deputy Minister of Finance Prof. G. L. Peiris yesterday presented the four agreements, signed between the government and the parties concerned with regard to the Hilton Hotel settlement to be discussed in the cabinet tomorrow.

Shanmugalingam sends in his papers

Deputy Secretary to the Treasury K. Shanmugalingam has sent in his retirement papers. He dedicated to retire because there was speculation that he would be transferred to the 'pool', he told 'The Island'.

Deny statement or face legal action writes Nihal's attorney

Mr. Nihal Sri Ameresekera of Sri Vijayapala Mawatha, Colombo 8, through his solicitors and attorneys, had written to Member of Parliament of the UNP, Mr. Mahinda Samarasinghe in respect of a statement

"Hilton: thorn in our side"

at a UNP Parliamentary S. Jayawardene and Mr. Nihal Ameresekera. Published in a Sunday newspaper of 3.12.95. The statements published in the said newspaper have said that, questions raised by Mr. Samarasinghe in respect of a statement

CID probe into alleged fraud, and cover up by Choksy, Paskaralingam

Inspector General of Police, Indira de Silva has been ordered by CID to probe into alleged fraud, and cover up by Choksy, Paskaralingam.

Hilton hanging on a thread

The government has been unable to pay the loan and the agreement lapsed last week. The acquisition was announced by Economic Development Minister Basil Rajapaksa at a dinner on the extension of the Finance in Parliament of British declared

Ameresekere to sue G.L

THE Hilton finance has taken a dramatic turn with former Attorney General and Minister of Finance, Mr. Nihal Sri Ameresekere to sue Prof. G. L. Peiris, the Minister of Justice and Deputy Minister of Finance on public statements made on the issue. Legal sources told 'The Sunday Leader' that Mr. Ameresekere has not advised to pursue legal action against Minister Peiris for the "misleading and distorted statements" made on issues concerning Mr. Ameresekere with respect to the terms of settlement.

Prof. Pieris, A. S., in open conflict

IN a new twist to the Hilton settlement drama, Finance Minister A. S. Jayawardene has sworn an affidavit to court, coming directly in conflict with the Hilton settlement. The affidavit was sworn by Mr. Jayawardene in his capacity as the Attorney General.

Hilton hotel case back in focus

THE Hilton hotel case has been brought back into focus by the Attorney General's affidavit. The case involves the settlement of the Hilton Hotel dispute.

Nihal's attorney Hilton hopelessly bankrupt

Mr. Ameresekera is said to have informed to the Minister of Finance that, he does not wish to have his contract renewed. Copies of all these statements had been sent to the Leader of the Opposition, Leader

Govt takes over Hilton

The government has taken over the Hilton Hotel. The acquisition was announced by Economic Development Minister Basil Rajapaksa at a dinner on the extension of the Finance in Parliament of British declared

GL's double talk

As the defendant in a case in the District Court of Colombo, Minister G.L. Peiris, who was then the Deputy Minister of Finance, in his answer had pleaded thus: "In any event and without prejudice to the affidavit the Defendant (Minister G.L. Peiris) pleads that at all times material he acted in his capacity as the Deputy Minister of Finance."

Bankrupt but boom!

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Suspension of Hilton Hotel agreement by President unavoidable — FM

The suspension of the Hilton Hotel settlement agreement by the President was unavoidable in the light of the unsatisfactory features discovered to have been incorporated in it which was found some time after signing it, said Minister of Foreign Affairs Lakshman Kadregama in Parliament yesterday.

Mr. Samarasinghe also asked whether the Foreign Minister was consulted before the suspension of the settlement by the President and also whether the Minister in turn apprised the President on the possible consequences of suspending the agreement.

Professor Peiris — the clause of his downfall

THE Minister was fully explained by Minister of Justice and Constitutional Affairs and Deputy Minister of Finance Prof. G. L. Peiris on August 5, when he reported a similar query on the subject, Minister Kadregama said.

TIME WASTED, PROBLEMS CREATED

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Cornel Perera's removal valid in law, court holds

THE District Court of Colombo yesterday held that the removal of Cornel Perera from the post of Chairman and Managing Director of the State Bank of Ceylon was valid in law.

Govt takes over Hilton

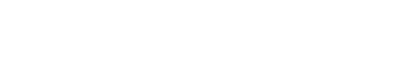
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Nihal files fresh case against Hotel Developers and connected parties

IN the light of impending takeover and recent developments concerning the company public interest activist Nihal Sri Amerasekera yesterday filed a fresh petition in High Court against Hotel Developers (Lanka) Pte.

Nihal Takes on 'Expropriation Bill' - SEE PAGE 14

News

Nihal Sri files application before SC to re-examine Expropriation Bill

COLOMBO (Reuters) - Sri Lanka's Supreme Court has ruled that the government's controversial expropriation bill is unconstitutional and ordered the government to re-examine it.

News

Revival Bill faces fresh flak

USE THIS SPACE TO WRITE YOUR COMMENTARY ON THE REVIVAL BILL. THE REVIVAL BILL IS A BILL TO AMEND THE COMPANIES ACT OF 1947 AND TO PROVIDE FOR THE REVIVAL OF UNDERPERFORMING COMPANIES.

Cornel Perera says Hilton takeover not the solution, selling via bourse is

PROMOTER and former Chairman of Colombo Hilton owning company Hotel Developers Lanka Ltd, Cornel Perera yesterday argued that taking over under the upcoming Bill was not the solution but suggested selling it via the Colombo Stock Exchange instead.

News



A group of people gathered for a press conference or meeting, with Nihal Sri Amerasekera visible among them.

News

Nihal Sri takes on 'Expropriation Bill'

The following is a letter of Nihal Sri Amerasekera to the Speaker of Parliament, Dr. Chandana Kumaratunga, regarding the proposed Expropriation Bill.

News

Consultants 21 files civil litigation on revival of ailing Hotel Developers

IT is a bid to resurrect the ailing Hotel Developers Lanka Pte, which is the ongoing Company of the Colombo Hilton Hotel, legal litigation has been filed by a shareholder called Consultants 21.

News

Nihal Sri Amarasakera, against the 'Revival of Underperforming Enterprises and Underutilised Assets Bill'

IN the name of the Constitution, I, Nihal Sri Amarasakera, do hereby petition the Supreme Court to declare the proposed Expropriation Bill unconstitutional and void.

News

Supreme Court issues notice on respondents

WHEN the Fundamental Rights Application filed by public interest activist Nihal Sri Amerasekera came up in the Supreme Court...

Asset acquisition act constitutional - court

COLOMBO (Reuters) - Sri Lanka's Supreme Court has ruled that the government's controversial expropriation bill is unconstitutional and ordered the government to re-examine it.

Supreme Court determines Town & Country Planning Bill inconsistent with Constitution

GOVERNMENT withdrawal Bill... The Supreme Court has determined that the Town and Country Planning Bill is inconsistent with the Constitution.

Breakthrough in Nihal's FR application on 'Expropriation Bill'

Supreme Court directs that notices be issued on all respondents... A breakthrough has occurred in Nihal Sri Amerasekera's Fundamental Rights application.

Nihal fires posers to Nivard, Keheliya over Expropriation Bill

PUBLIC interest activist Nihal Sri Amerasekera last week fired separate letters to Central Bank Governor Nivard and Cabinet Spokesman Keheliya...

FR application against Expropriation Act

CEYLON TODAY, Saturday, November 26, 2011... Nihal Sri Amarasakera, against the 'Revival of Underperforming Enterprises and Underutilised Assets Bill'.

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Public interest activist, Nihal Sri Amerasekera is challenging the Expropriation Bill in the Supreme Court.

SC orders notices to be issued in Expropriation Bill petition

CEYLON TODAY, Sunday, December 11, 2011... The Supreme Court has ordered that notices be issued to all respondents in Nihal Sri Amerasekera's petition.

Supreme Court determination on 'Expropriation Bill'

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Independence of the Judiciary and Attorney General's role

IN my D.C. Colombo Case No. 1855/11... I am satisfied that the independence of the judiciary and the role of the Attorney General are crucial to the rule of law.

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Letter to the Editor

Hilton realities exposed by Nihal... I refer to the lead story in the Daily FT of 19 December 2011 under the headline 'Hilton Reality'.

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Prayer in Nihal Sri Amerasekera's FR Petition

On the Revival of Underperforming Enterprises and Underutilised Assets Act... I pray that the Supreme Court will declare the proposed Expropriation Bill unconstitutional and void.

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Nihal's FR Application on the Expropriation Law

Part 3 - Inalienable power is in the people, exercised in trust by the organs - the legislature, executive and judiciary - and prohibits transfer of power from one organ to another

The Constitution, and the fundamental rights of the citizen, are the bedrock of the State. The power to amend the Constitution is a power that is entrusted to the organs of the State - the legislature, executive and judiciary - and it is a power that is inalienable. It is a power that is exercised in trust by the organs of the State and it is a power that is prohibited from being transferred to any other organ of the State.



CEYLONNET, Monday, January 23, 2012

Pleadings in Nihal Sri Ameresekere's FR application

On the revival of Underperforming Enterprises and Underutilized Assets Act

The Supreme Court has declined to re-visit the constitutionality of the Revival Bill in the FR petition by Nihal Sri Ameresekere. The Court held that the Bill is constitutional and that the petitioner's arguments are unavailing.

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DSC expresses fears Ameresekere's Notes filed in SC becoming public

The Director of State Counsel (DSC) has expressed concerns that the notes filed by Nihal Sri Ameresekere in support of his Fundamental Rights (FR) application to the Supreme Court could become public. He fears this could have a chilling effect on other citizens.

Takeover Bill under fire at Party Leaders meeting

The United National Party (UNP) has expressed strong opposition to the proposed Takeover Bill. Party leaders at a meeting in Parliament stated that the bill is unconstitutional and that it would be a major setback for the country's economic development.

Private sector unites, warns against Expropriation Bill

The private sector has united in opposition to the proposed Expropriation Bill. Industry leaders warn that the bill would severely damage the investment climate and hinder economic growth.

Expropriation Bill: Govt. intentions not bona-fide

Opposition leaders argue that the government's intentions in passing the Expropriation Bill are not bona-fide. They claim the bill is a ploy to acquire assets for the benefit of a few individuals.

Nihal's FR Application on the Expropriation Law

Part 4 - Entertainment of a doubt deemed the Bill to be inconsistent with the Constitution - Petitioner's stake in HDL greater than the Government's

The petitioner, Nihal Sri Ameresekere, has argued that his stake in HDL is greater than that of the Government. He claims that the Bill would unfairly disadvantage him and that it is therefore unconstitutional.

Judicial independence and judicial bias

The petitioner has also raised concerns about judicial independence and potential bias. He argues that the Bill would undermine the integrity of the judiciary and that the Court should therefore decline to hear the case.

SC declines to re-visit constitutionality of Revival Bill in FR petition by Nihal

The Supreme Court has declined to re-visit the constitutionality of the Revival Bill in the FR petition by Nihal Sri Ameresekere. The Court held that the Bill is constitutional and that the petitioner's arguments are unavailing.

Why did the Deputy Solicitor General object?

There has been speculation about why the Deputy Solicitor General objected to the Expropriation Bill. Some believe it was due to concerns about the bill's constitutionality, while others think it was a political move.

Nihal's FR Application on the Expropriation Law

Part 5 - Government and others caused the loss and predicament to HDL, under Companies Act Directors personally liable; HDL ought to be restructured under ordinary and regular law

The petitioner has argued that the Government and other officials caused the loss and predicament to HDL. He claims that they acted negligently and that they should be held personally liable under the Companies Act.

Amerekekere's petition on Expropriation Bill dismissed

The Supreme Court has dismissed Nihal Sri Ameresekere's petition against the Expropriation Bill. The Court held that the Bill is constitutional and that the petitioner's arguments are unavailing.

37 COs. TO BE ACQUIRED THROUGH NEW BILL

The government has announced that 37 companies (COs) will be acquired through a new bill. This includes Ceylincos Leisure, Sevaganala and garment factories.

CLERGY CRV AGAINST CONVERSIAL BILL

The Clergy of the Republic of Sri Lanka (CRV) has expressed strong opposition to the proposed Conversial Bill. They argue that the bill would undermine the religious and cultural heritage of the country.

UNP 'Expropriation Bill' is evil?

UNP leaders have expressed their disapproval of the Expropriation Bill, calling it an 'evil' scheme. They claim the bill is a ploy to acquire assets for the benefit of a few individuals.

SC RULES NEW BILL ASSETS BILL PASSED CONSTITUTIONAL IN PARLIAMENT

The Supreme Court has ruled that the new Bill on Assets is constitutional. The bill has been passed in Parliament and is now law.

Dayasiri asks chair to postpone debate

Dayasiri has asked the chair to postpone the debate on the Expropriation Bill. He claims that the bill is unconstitutional and that it would be a major setback for the country's economic development.

SC RULES NEW BILL ASSETS BILL PASSED CONSTITUTIONAL IN PARLIAMENT

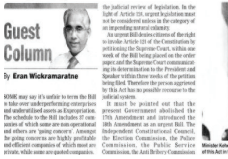
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Government turns down amendments by Opposition

The government has turned down amendments proposed by the Opposition. The amendments were aimed at strengthening the Expropriation Bill.

Speaker suspends sittings to decide on debate

The Speaker has suspended the sittings of Parliament to decide on the debate on the Expropriation Bill. This move has caused significant controversy.



Guest Column by Ivan Wickramaratne

President Mahinda Rajapaksa chairs the special discussions with the private sector on the proposed Bill for Revival of Underperforming Enterprises and Underutilized Assets on Saturday - The TV Channel Pictures

Dayasiri asks chair to postpone debate

Speaker suspends sittings to decide on debate