
IN THE DISTRICT COURT OF COLOMBO

NIHAL SRI AMERESEKERE of
No.167/4, Sri Vipulasena Mawatha,
Colombo 10.

PLAINTIFF

No.3155/Sp1.

- VS -

1. **MITSUI AND COMPANY LIMITED**, a Company organized and existing under the Laws of Japan and having the Principal Place of business at 2-1, Ohtemachi 1-Chome, Chiyoda-Ku, Tokyo, Japan and having a Liaison office and/or a Place of business in Sri Lanka at No.315, Vauxhall Street, Colombo 02.
2. **TAISEI CORPORATION**, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka at No.65, High Level Road, Maharagama and presently of Colombo Hilton Hotel, Echelon Square, Colombo 1.
3. **KANKO KIKAKU SEKKEISHA YOZO SHIBATA & ASSOCIATES**, Architects & Designers, a corporation duly organized under the Laws of Japan and having the Principal place of business at No.9, Mori Building, 1-2-2, Atago, Minato-ku, Tokyo, Japan.
4. **HOTEL DEVELOPERS (LANKA) LIMITED**, formerly known as LANKA JAPAN HOTELS LIMITED, and of No.16, Alfred Place, Colombo 03, with an Operational Office at 1000, Echelon Square, Colombo 1.
5. **CORNEL LIONEL PERERA**, Chairman/Managing Director, Hotel Developers (Lanka) Limited, of 16, Alfred Place, Colombo 03.
6. **FREDERICK GERMAIN NOEL MENDIS**, Director, Hotel Developers (Lanka) Limited, and of No.51/3, Dharmapala Mawatha, Colombo 03.
7. **KAIRSHASP NARIMAN CHOKSY**, Director, Hotel Developers (Lanka) Limited, of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.
8. **DON PETER SEVERINUS PERERA**, Director, Hotel Developers (Lanka) Limited, of No.696/2, Havelock Road, Colombo 06.
9. **KAZUTAKA KOBOI**, Director of Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.

10. KANAPATHIPILLAI SHANMUGALINGAM, Director, Hotel Developers (Lanka) Limited, and of No.4, Ramakrishna Avenue, Colombo 06 and presently of 75 1/1, Isipatana Mawatha, Colombo 5.
11. KOJI ITO, Director of Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.

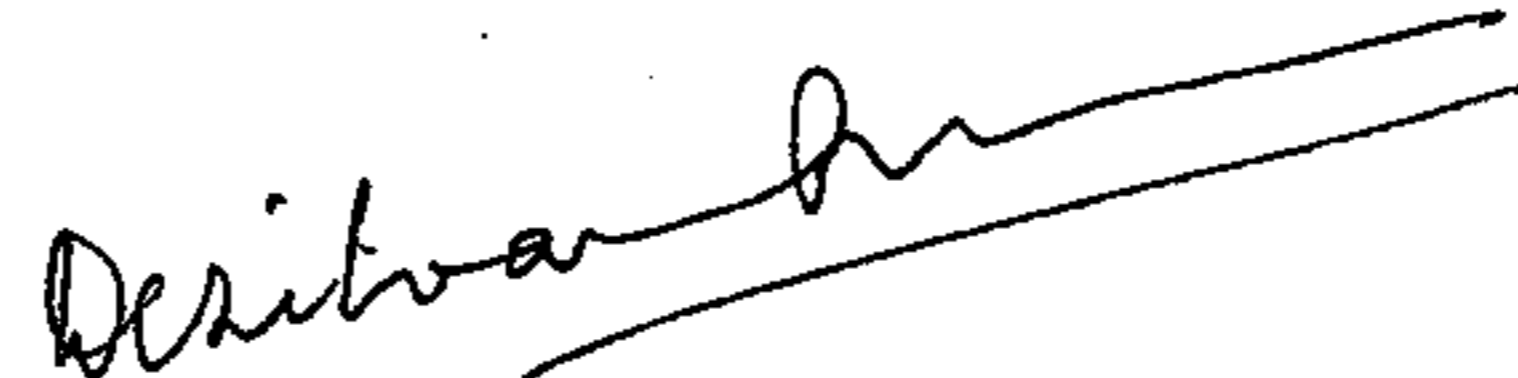
DEFENDANTS

WE MOVE that the Court be pleased to make Order for NOTICE to issue to the 1st & 2nd Defendants, 3rd Defendant and 4th Defendant abovenamed respectively under Section 104 of the Civil Procedure Code (through their respective Attorneys-at-law) to produce the Documents referred to in the Notice annexed hereto marked "D", "E" and "F" for inspection by the Plaintiff's Attorneys-at-law and/or the Plaintiff and to furnish them with photocopies thereof (the costs of which the Attorney-at-law for the Plaintiff shall pay) within 10 days from the date of service of the said Notice.

WE ALSO MOVE that the Notice be issued in Form 29 in the 1st Schedule to the Civil Procedure Code, a copy of which is annexed hereto marked "D", "E" and "F".

WE further MOVE that the Court be pleased to call this Case on 12th March 1992 to enable the Plaintiff's Counsel to support this Motion.

Colombo, 10th of March 1992



Attorneys-at-law for Plaintiff

"D"

IN THE DISTRICT COURT OF COLOMBO

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2. TAISEI CORPORATION, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka at No.65, High Level Road, Maharagama and presently of Colombo Hilton Hotel, Echelon Square, Colombo 1.
3. KANKO KIKAKU SEKKEISHA YOZO SHIBATA & ASSOCIATES, Architects & Designers, a corporation duly organized under the Laws of Japan and having the Principal place of business at No.9, Mori Building, 1-2-2, Atago, Minato-ku, Tokyo, Japan.
4. HOTEL DEVELOPERS (LANKA) LIMITED, formerly known as LANKA JAPAN HOTELS LIMITED, and of No.16, Alfred Place, Colombo 03, with an Operational Office at 1000, Echelon Square, Colombo 1.
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7. KAIRSHASP NARIMAN CHOKSY, Director, Hotel Developers (Lanka) Limited, of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.
8. DON PETER SEVERINUS PERERA, Director, Hotel Developers (Lanka) Limited, of No.696/2, Havelock Road, Colombo 06.
9. KAZUTAKA KOBOI, Director of Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.

10. KANAPATHIPILLAI SHANMUGALINGAM, Director, Hotel Developers (Lanka) Limited, and of No.4, Ramakrishna Avenue, Colombo 06 and presently of 75 1/1, Isipatana Mawatha, Colombo 5.
11. KOJI ITO, Director of Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.

DEFENDANTS

To:

The 1st & 2nd Defendant abovenamed

(To be served through their registered Attorney-at-law Mr. Razmara Abdeen, 218, Hulftsdorp Street, Colombo 12.)

Take Notice that the Plaintiff abovenamed requires you to produce for inspection by his Attorneys-at-law and/or by him the documents referred to in the Schedule hereto and also furnish them with photocopies thereof within 10 days from the date of service of this Notice on you (the costs of which the Attorney-at-law for the Plaintiff shall pay)

SCHEDULE

1. Letter of Award for Construction dated 30.03.83 issued by the 4th Defendant to the 1st & 2nd Defendants for the turnkey construction of the Colombo Hilton Hotel.
2. Copy of the Original Architectural Plans submitted, in October '83 to the Urban Development Authority and approved by them in March '84, bearing their seal of approval and the signature and seal of the 4th Defendant.
3. Copy of the Original Architectural Plans tabled and approved at the Meeting of the Board of Directors of the 4th Defendant on 07.01.84, together with the relevant legal Agreements/Contracts, wherein the Board had noted that the Colombo Hilton Hotel was to comprise of 452 Hotel Guest Rooms.
4. Copy of the Original Architectural Plans/Drawings and Technical Specifications that formed part and parcel of the Construction Agreement, as stipulated therein, bearing the signatures of all parties to such Construction Agreement.
5. Copy of the Exhibit "A" that defined the scope of Supplies of Furnishings, Fixtures & Equipment, to the Colombo Hilton Hotel, that formed part and parcel of the Supplies Contract, as stipulated therein, bearing the signatures of all parties to such Supplies Contract.
6. Copy of the priced and certified Specified Bills of Quantities for the completed Colombo Hilton Hotel.
7. Copy of the certified detail Final Measurements of the completed Colombo Hilton Hotel.
8. Written approval from the 4th Defendant to the 3rd Defendant authorising and/or approving the amendment/alteration of the originally approved Architectural Plans.

9. Written Agreements for such aforesaid amendments, as amendments to the Construction Agreement, Design & Supervision Contract, Loan Agreement and the Investment Agreement, signed by all parties to such Agreements/Contracts, as required by such Agreements/Contracts, for effecting such aforesaid amendment and/or alteration of the originally approved and agreed Architectural Plans.
10. Written Agreements for such aforesaid amendments, as amendments to the Supplies Contract, Loan Agreement and the Investment Agreement, signed by all parties to such Agreements/Contracts, as required by such Agreements/Contracts, as a consequence of such aforesaid amendment and/or alteration of the originally approved and agreed Architectural Plans, resulting in variations and/or reductions and/or alterations and/or amendments to the scope of Supplies of Furnishings, Fixtures & Equipment to have been made under such Supplies Contract.
11. 4th Defendant's Board Approval for the amendment/alteration of the Original Architectural Plans and the 4th Defendant's Board Approval for such Amended Architectural Plans of July '85.
12. Copies of all Documents filed of record by these Defendants and other Documents that may be relied upon by these Defendants to prove their Case.

By Order of Court

Registrar

This day of March 1992.

"E"

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No.3155/Sp1.

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2. TAISEI CORPORATION, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka at No.65, High Level Road, Maharagama and presently of Colombo Hilton Hotel, Echelon Square, Colombo 1.
3. KANKO KIKAKU SEKKEISHA YOZO SHIBATA & ASSOCIATES, Architects & Designers, a corporation duly organized under the Laws of Japan and having the Principal place of business at No.9, Mori Building, 1-2-2, Atago, Minato-ku, Tokyo, Japan.
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5. CORNEL LIONEL PERERA, Chairman/Managing Director, Hotel Developers (Lanka) Limited, of 16, Alfred Place, Colombo 03.
6. FREDERICK GERMAIN NOEL MENDIS, Director, Hotel Developers (Lanka) Limited, and of No.51/3, Dharmapala Mawatha, Colombo 03.
7. KAIRSHASP NARIMAN CHOKSY, Director, Hotel Developers (Lanka) Limited, of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.
8. DON PETER SEVERINUS PERERA, Director, Hotel Developers (Lanka) Limited, of No.696/2, Havelock Road, Colombo 06.
9. KAZUTAKA KOBOI, Director of Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.

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11. KOJI ITO, Director of Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.

DEFENDANTS

To:

The 3rd Defendant abovenamed

(To be served through their registered Attorney-at-law Mr. S.D. Yogendra, 136, Hulftsdorp Street, Colombo 12.)

Take Notice that the Plaintiff abovenamed requires you to produce for inspection by his Attorneys-at-law and/or by him the documents referred to in the Schedule hereto and also furnish them with photocopies thereof within 10 days from the date of service of this Notice on you (the costs of which the Attorney-at-law for the Plaintiff shall pay)

SCHEDULE

1. Letter of Award for Construction dated 30.03.83 issued by the 4th Defendant to the 1st & 2nd Defendants for the turnkey construction of the Colombo Hilton Hotel.
2. Copy of the Original Architectural Plans submitted, in October '83 to the Urban Development Authority and approved by them in March '84, bearing their seal of approval and the signature and seal of the 4th Defendant.
3. Copy of the Original Architectural Plans tabled and approved at the Meeting of the Board of Directors of the 4th Defendant on 07.01.84, together with the relevant legal Agreements/Contracts, wherein the Board had noted that the Colombo Hilton Hotel was to comprise of 452 Hotel Guest Rooms.
4. Copy of the Original Architectural Plans/Drawings and Technical Specifications that formed part and parcel of the Construction Agreement, as stipulated therein, bearing the signatures of all parties to such Construction Agreement.
5. Copy of the Exhibit "A" that defined the scope of Supplies of Furnishings, Fixtures & Equipment, to the Colombo Hilton Hotel, that formed part and parcel of the Supplies Contract, as stipulated therein, bearing the signatures of all parties to such Supplies Contract.
6. Copy of the priced and certified Specified Bills of Quantities for the completed Colombo Hilton Hotel.
7. Copy of the certified detail Final Measurements of the completed Colombo Hilton Hotel.
8. Written approval from the 4th Defendant to the 3rd Defendant authorising and/or approving the amendment/alteration of the originally approved Architectural Plans.

9. Written Agreements for such aforesaid amendments, as amendments to the Construction Agreement, Design & Supervision Contract, Loan Agreement and the Investment Agreement, signed by all parties to such Agreements/Contracts, as required by such Agreements/Contracts, for effecting such aforesaid amendment and/or alteration of the originally approved and agreed Architectural Plans.
10. Written Agreements for such aforesaid amendments, as amendments to the Supplies Contract, Loan Agreement and the Investment Agreement, signed by all parties to such Agreements/Contracts, as required by such Agreements/Contracts, as a consequence of such aforesaid amendment and/or alteration of the originally approved and agreed Architectural Plans, resulting in variations and/or reductions and/or alterations and/or amendments to the scope of Supplies of Furnishings, Fixtures & Equipment to have been made under such Supplies Contract.
11. 4th Defendant's Board Approval for the amendment/alteration of the Original Architectural Plans and the 4th Defendant's Board Approval for such Amended Architectural Plans of July '85.
12. Copies of all Documents filed of record by this Defendant and other Documents that may be relied upon by this Defendant to prove its Case.

By Order of Court

Registrar

This..... day of March 1992.

"F"

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DEFENDANTS

To:

The 4th Defendant abovenamed

(To be served through their registered Attorney-at-law Mr. T.G. Guneratne, Attorney-General's Department, Hulftsdorp Street, Colombo 12.)

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By Order of Court

Registrar

This 10th day of March 1992.