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Your Ref: **BY COURIER**

Our Ref: 24th July 2008

C.R. de Silva, P.C. Esqr.,
Hon. Attorney General,
Attorney General's Department,
Hulftsdorp,
Colombo 12.

Attn: Mr. Arjuna Obeyesekere
Senior State Counsel

Dear Sir,

CA Writ Application No. 1661/2003

We act on behalf of our Client, Mr. Nihal Sri Ameresekere, F.C.A., F.C.M.A., C.F.E., the Petitioner in the above Application.

We refer to our Letter dated 2.4.2008 forwarded to you, together with the finalised Consent Motion, to which we have had no response. A copy is annexed for your easy reference.

When this Application was taken-up in the Court of Appeal on 22nd July 2008 as agreed, for intimation of settlement, you informed Court that steps have been taken and are being taken by your Clients, the Respondents, to secure and ensure the grant of the reliefs prayed for in the said Consent Motion in the public interest by our Client.

You would appreciate that having been the main mover for the repeal of the perverse Tax Amnesty Act No. 10 of 2003, which was pronounced by the Supreme Court to have defrauded public revenue causing extensive loss to the State and to be inimical to the rule of law, and which was consequently repealed by Act No. 10 of 2004 enacted into law on 20.10.2004, our Client is gravely perturbed by the inordinate delay in taking steps as required by your Clients, as mandated by law, and which are being sought as reliefs as aforesaid.

Our Client has been pursuing this matter, since he had discovered to his shock and dismay, that the Repeal Act No. 10 of 2004 had not been given effect to, and even to date no communications have been made to the Controller of Exchange, even though so required in terms of the Exchange Control Act in writing by the Controller of Exchange from the Commissioner General of Inland Revenue, and no communications have been made on the mere suspicion of bribery by the Commissioner General of Inland Revenue, as consistently mandated by the Inland Revenue Act.

The Court of Appeal has now granted time till 29.08.2008, on which date it is necessary in the circumstances, to inform Court with certainty, as to whether or not, the steps taken and firmly undertaken to be taken by your Clients, are adequate for the grant of the said reliefs prayed for in the public interest.

In the circumstances, as was indicated by our Client's Counsel, it is necessary and of paramount importance for you to intimate to us in unequivocal terms by official communication, what specific, definite steps have been taken and what steps are being taken by your Clients, to grant the reliefs prayed for by our Client, indicating definite time frames involved, given the persistent pattern of failure on the part of your Clients, to take *effective action* and the great importance of this matter to the public of this country. Timely receipt of such a communication, as confirmed in writing by your Clients, would enable our Client to consider the position to enter terms of settlement.

In the circumstances, we await intimation in writing as requested, and request that the same be furnished not later than 15.8.2008, well in advance of 29.8.2008, the next date of mention in the Court of Appeal, so that the matter could be considered by Counsel and our Client.

Yours truly,

RJB

Attorneys-at-Law

cc: Mr. M.A. Sumanthiran, Attorney-at-Law
Mr. Viran Corea, Attorney-at-Law
Mr. Nihal Sri Ameresekere, F.C.A., F.C.M.A. C.F.E.