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Your Ref: **BY COURIER**

Our Ref:

19<sup>th</sup> March 2009

Hon. Mohan Peiris, P.C.  
Attorney General  
Attorney General's Department  
Colombo 12.

Attn: Mr. Arjuna Obeyesekere,  
Senior State Counsel

Dear Sir,

## CA Writ Application No. 1661/2003

We write further to our Letter dated 2.4.2008 written on behalf of our Client, Mr. Nihal Sri Ameresekere, F.C.A., F.C.M.A., C.M.A., C.F.E., the Petitioner in the above Application, addressed to your predecessor in Office. (*Copy attached for your easy reference*).

We reiterate the contents of the above Letter, and draw your kind attention thereto, particularly, the Schedule attached therewith *disclosing the pendency of this matter for nearly 2½ years*.

The Settlement of this matter, agreed with the then Hon. Attorney General, Late Mr. K C. Kamalabayson, P.C., has been pending, *notwithstanding the pronouncement of a fraud by a full-bench of the Supreme Court*, and the matter being of utmost public interest, concerning revenue administration of the country !

Since 28.3.2008, this matter has been mentioned in Court for Settlement on 22.7.2008, 29.8.2008, 17.10.2008, 20.11.2008, 15.1.2009 and 16.2.2009, *due to the questionable tardiness of the Inland Revenue Officers*.

In the given circumstances, we filed Motion dated 17.11.2008 in the Court of Appeal, to have this matter referred to the Supreme Court, in terms of Article 126 (3) of the Constitution, *vis-à-vis* the violation of fundamental rights.

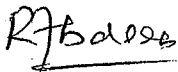
However thereafter, an assurance was given of a conclusion of the Terms of Settlement, which had been finalized, with final observations of the Department of Inland Revenue submitted thereon, our Client believes, by Mr. P.D. Pematratne, Commissioner, Inland Revenue, Board of Review, Legal & Investigations.

As had been requested by Senior State Counsel, our Client's attached responses on the above observations have been e-mailed to Counsel yesterday, to be forwarded to the Senior State Counsel, for the conclusion of this matter, together with a copy of the attached amended Terms of Settlement.

Our Client is appalled that the Commissioner General of Inland Revenue has intimated and/or *feigned* to the Hon. Attorney General, that he and his Officers do not have the competence to enforce statutorily mandated duties, obligations and responsibilities, to communicate *prima-facie* informations to other relevant Revenue Enforcement Authorities of the State, as mandated by the Inland Revenue Act !

We reiterate our appeal in the national and public interest, to have this matter concluded before the next date i.e. 26.3.2009, particularly given the critical situation of Government Revenue, inasmuch as, our Client raises the question, as to why Revenue Enforcement Authorities should have to wait to conclude a Settlement with our Client, to have duly performed their statutorily mandated duties, obligations and responsibilities, whereas they ought to have done so, *purely on being put on notice by our Client of the statutorily mandated requirements !*

Yours faithfully,



Attorneys-at-Law

cc. Secretary to H.E. the President  
Auditor General