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BY HAND

11th February 2011

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

cc: Attn: Mr. Arjuna Obeyesekere,
Senior State Counsel

Dear Sir,

CA Writ Application No. 1661/2003

We write further to our Letter dated 19.3.2009. (*Copy attached for easy reference*).

We believe that due to pressure of work, you have not had the time to have dealt with this matter.

attach a Schedule of Minutes in the Court of Appeal from 10.10.2005, recording that the Attorney General's Department, appearing on behalf of the Respondents, had moved for time to file Terms of Settlement, and on which observations had been received from the Commissioner General of Inland Revenue, and responded to on 18.3.2009 by our Client.

From the contents of the Draft Consent Motion of March 2009 attached (*which had been revised several times*), you would note that our Client had pursued this matter, to ensure that laws enacted by Parliament for revenue administration are duly complied with, upholding the 'rule of law', since it is our Client, who successfully stood-up and *crusaded* against the perverse *purported* tax amnesty of Inland Revenue (Special Provisions) Acts Nos. 10 & 31 of 2003, which were castigated by the Supreme Court, as '*inimical to the rule of law and that it had defrauded public revenue causing extensive loss to the State*', reckoned, to be around Rs. 200 Billion.

Consequently, such perverse *purported* tax amnesty was a major plank at the General Elections of 2004, which resulted in fall of the then UNF Government, and the PA Government coming into power. With our Client's assistance, the very first law to be enacted by the new Parliament was the repeal by the Inland Revenue (Regulation of Amnesty) Act No. 10 of 2004 of the said perverse *purported* tax amnesty of 2003, *in the light of the Supreme Court pronouncement and the public hue and cry*.

Hence, our Client believes that there is a public duty and obligation, to ensure the due and proper revenue administration and the enforcement of the relevant laws. *It is in such circumstances, that our Client has been pursuing this matter*. We also draw your kind attention to our Motion in this connection dated 17.11.2008 (*attached*).

also attach copy of our Letter dated 2.4.2008 to your predecessor in office, Hon. C.R. de Silva P.C.

We suggest that a discussion be had in your Chambers, with the presence of the relevant public officers and our Client, with a view to finally concluding this matter.

It would appear that the revenue authorities are not committed to enforcing the relevant laws, which have been enacted by Parliament, thereby *abdicated* their statutory duties, obligations and responsibilities. In this context, reference is drawn to the scandalous VAT frauds that caused colossal losses to the State, which your Department is prosecuting.

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It appears meaningless for our Client, a professional, to have devoted his time, in the public interest, to have hitherto pursued this very important matter on his own, whereas it is well and truly the responsibility of the State / the relevant State Agencies.

The matter is due to be mentioned in the Court of Appeal on **Monday, 14.2.2011.**

Yours faithfully,



Attorneys-at-Law