

DE SILVA & PERERA
SOLICITORS ATTORNEYS-AT-LAW & NOTARIES PUBLIC

T'PHONE : 327767

YOUR REF :

OUR REF :

34/64, 65 & 1/49, New Lawyers Complex,
San Sebastian Hill, Colombo 12.

J.W.D.PERERA
Solicitor, England & Wales, Attorney at Law
& Notary Public.

Residence :
12, Sinsapa Road, Colombo 6. T'Phone : 583596

VERNON GOONERATNE
LLB Ceylon Attorney at Law

Residence :
10, Terrace Avenue, Mount Lavinia

BY LOCAL COURIER

17th January 2002

Her Excellency Chandrika Bandaranaike Kumaratunga,
President of Sri Lanka,
President's House,
Janadhipathi Mawatha
Colombo 1.

Your Excellency,

**APPOINTMENT OF MR. K. N. CHOKSY P.C., M.P.
AS THE MINISTER OF FINANCE.**

**SPECIAL PRESIDENTIAL COMMISSION OF INQUIRY - 1995
RE - MATTER OF HOTEL DEVELOPERS (LANKA) LTD.**

Further to our Letter dated 17.12.2001 under the above caption, written on behalf of our Client, Mr. Nihal Sri Ameresekere, F.C.A., F.C.M.A. of No. 167/4, Sri Vipulasena Mawatha, Colombo 10, we write as instructed:

We draw attention to paragraphs 7 and 8 on page 2 of our aforesaid Letter, which said paragraphs deal with the Affidavit dated 21.7.1995 of the former HDL Chairman & Managing Director, Mr. C.L. Perera filed by him in D.C. Colombo Case No. 4414/Spl., instituted against the then Secretary to the Treasury, Mr. A.S. Jayawardena.

The said paragraphs 7 and 8 of our aforesaid Letter had disclosed that Mr. C.L. Perera by his aforesaid Affidavit had, *himself*, admitted to the perpetration of the fraud, *upheld as a prima-facie case of fraud* by the Supreme Court in December 1992, in our Client's D.C. Colombo Case No. 3155/Spl. The said paragraph 8 of our aforesaid Letter quoted the relevant averments Nos. 56 and 59 of the said Affidavit of Mr. C.L. Perera swearing to such admission.

We specifically write to apprise, that our Client, having on or about 11.6.1996 obtained a certified copy of the aforesaid Affidavit of Mr. C.L. Perera, had placed the same on or about 20.6.1996 before the Special Presidential Commission, through the then Deputy Solicitor General, Mr. A.R.C. Perera, who on behalf of the Hon. Attorney General was then assisting the said Commission.

The Special Presidential Commission, as further disclosed in our aforesaid Letter, having previously on or about 8.12.1995 issued Show Cause Notices, *inter-alia*, on grounds of fraud and/or corruption, *amongst others*, on Mr. C.L. Perera and Mr. K.N. Choksy P.C., M.P., as morefully set out in our aforesaid Letter, the aforesaid averments Nos. 56 and 59 of said the Affidavit of Mr. C.L. Perera would tantamount to a sworn admission of the charges of fraud and/or corruption contained in the aforesaid Show Cause Notices issued by the said Commission.

As morefully set out in our aforesaid Letter, Mr. C.L. Perera had acted in concert with Mr. K.N. Choksy P.C. M.P., who both as Chairman & Managing Director and Director, *respectively*, of HDL, having been made Defendants in our Client's aforesaid D.C. Colombo Case No. 3155/Spl had deliberately and willfully failed and neglected to file Objections and Answers in our Client's said Case, *notwithstanding that the said Case having been instituted in the very interest of HDL and its major Shareholder and Guarantor, i.e. the Government.*

Whilst Mr. K.N. Choksy P.C. M.P. having prevented a proper examination of the hotel construction, disregarding our Client's objections had intervened to endeavour to cause the full payment committing colossal sums of state funds and he having failed in his said endeavour, had subsequently attempted to have our Client's said Case dismissed, *after the District Court had issued interim injunctions preventing any such payments*, as morefully set out in our aforesaid Letter.

Our Client trusts that actions as warranted would be taken as urged in our aforesaid Letter.

Yours respectfully,



Attorneys-at-Law

cc: Hon. P.R.P. Perera, Former Supreme Court Judge
Hon. H.S. Yapa, Supreme Court Judge
Hon. F.N.D. Jayasuriya, Former Appeal Court Judge

} *Former Members of the Special Presidential Commission appointed in terms of Presidential Warrant published in Gazette Extra-ordinary No. 858/4 of 14.2.1995*

Hon. K.C. Kamalabayson Esqr. P.C., Attorney General