



Faraz Shauketaly,

Ceylon Independent Publishing Co. (Pvt) Ltd.

We have come to know that recently in July / August 2015, the Hatton National Bank had published in the Newspapers the *parate-execution* of a property at Barnes Place, Mount Lavinia for the default of Rs. 5.0 Mn., + interest by one Faraz Shauketaly.

Is this you ? If so, is the above correct ? If correct, how was the Rs. 5.0 Mn., paid to have the *parate-execution* cancelled on this Barnes Place Mount Lavinia property ? Did anyone advance you monies for the same ?

Yours truly,

S.P.Sriskantha, LL.M. (U.K.),
Attorney-at-law,
Solicitor [Eng. & Wales]

30.12.2015

From: **Faraz Colombo** <farazcolombo@gmail.com>
Date: Thursday, 31 December 2015
Subject: Query
To: Ranjan Sriskantha <srislaw@gmail.com>

Is this you ? YES

If so, is the above correct ? YES

Did anyone advance you monies for the same ?

YES

with no regards
Faraz

Call / SMS: 0094 772 300305

Skype: farazshauketaly

31.12.2015



Mr. Faraz Shauketaly
Ceylon Independent Publishing Co. (Pvt) Ltd.

We are a group of Lawyers, Accountants, etc, who wish to protect Mr.Nihal Sri Ameresekere, who has rendered yeoman service in fighting fraud and Corruption. No other has proven so many Cases in Court saving colossal sums of moneys for the State. Some of the instances where State moneys have been saved by his public spirited actions are:

- Tax Amnesty write-off prevented Rs.200, 000 Million
- Sri Lanka Insurance plus Lanka Hospitals Rs. 75,000 Million
- Colombo Port Bunkering Facility & Monopoly Rs.15, 000 Million
- Citi Bank Oil Hedging Claim Rs.30,000 Million

He has given full disclosure with facts and figures supported by documents in a series of books published him, including on the Hilton which you should have read before questionably writing false reports and conducting malicious interviews.

You have published deliberately and with intent to cause harm a false, distorted, malicious, mischievous and spiteful Article in your Newspaper and Website under the caption "Why Is the Hunter Being Hunted?"

We hereby notify you of the following;

We as lawyers are shocked at your Articles published with scant regard to the law.

Breaching banking secrecy is a criminal offence and possession of stolen bank documents is also a criminal offence, so too anyone who aides and abets or conspires therewith. You as publisher, who also claims such possession, is also liable under the law.

There is also the question of privity of contract, where no outside party could intermeddle or interfere with and/or aid and abet therewith, which you have condoned and tried to justify. These are offences under the law.

Threats and intimidations of public servants are also punishable offences under the law and aiding and abetting therewith are also punishable offences, and you have perpetrated the above offences and you together with others best known to you have perpetrated the above offences.

The above violations of the law should be dealt with by the law enforcement authorities.

We have been following the Hilton Case from its inception in 1990, with the undersigned having been one of the Lawyers since that time and therefore have a deep understanding of the facts.

When the Government was squeamish in confronting the perpetrators of a huge fraud in the Hilton Hotel project construction, Mr.Nihal Sri Ameresekere singlehandedly spending his own money and with much efforts exposed this fraud thus saving our

country a sum in excess of Rs.87,000 Million at current values – I repeat, a sum in excess of Rs.87,000 Million!

Mr.Ameresekere, is fully justified being professionally compensated at market values for his courageous efforts from which the Government as the Guarantor had immensely benefitted and had contractually agreed to pay him such professional compensation.

Mr.Ameresekere also has been involved in exposing many other frauds that were being perpetrated on the people of this country by the powers that be, without claiming any compensation therefor though saving colossal sums of money for the State as referred to above

Instead of criticising people of the rare caliber of Mr.Ameresekere we should all get together and encourage him to expose the fraudsters.

We cite below some of comments from the internet which speak for themselves;

“Why did JVP use an unknown Western Provincial Councilor to make false complaints and not its champion Wasantha Samarasinghe? Was it on payment by Tirukumar Nadesan?

JVP is very silent on questioning on deals of Tirukumasr Nadesan, Sumal Perera, Cargills, Dhammika Perera, dirty Harry and other mega wheeler-dealers in the private sector? Is it because they are funded by their mega bucks?

Gamini”

“This is a clear case of malicious slander by those affected to vilify and stop Ameresekere.

What is the problem?

1. Treasury has acknowledged a debt owing to Ameresekere.
2. Ameresekere is therefore a Creditor of GOSL.
3. Based on that debt a State owned Bank has advanced money to Ameresekere.
4. I cannot understand what all this fuss is about?

Ameresekere is not financed by NGO monies and nor by donations. He is entitled to his own business rights. He had spent on public interest litigations from his own monies earned.

Why not EN disclose from where it gets its monies before asking Ameresekere ?

Mohan”

“Tirukumar Nadesan is the man who did most of the deals for Rajapaksas, especially for Basil. These monies had been banked in Dubai and also converted into gold and placed in bank deposit boxes. He used to go regularly to Dubai and

stay at Hotels. His transactions are well known to his partner Gamini Gunaratne. FCID should check the telephone calls, text messages and e-mails between Tirukumar Nadesan and Gamini Gunaratne, which would reveal the facts and the Hotels in Dubai he stayed at and where the monies and gold are.

Nalin

“The comments are by frustrated and demented.

Monies paid by a cabal to carry out this malicious campaign. Avant-Garde inquiry will soon reveal the names.

Why not investigate Tirukumar Nadesan a swindler. Gamini Gunaratne his playboy. They are both partners in Sheraton Hotel coming up and want to loot Hilton through Krishantha Cooray who used MTV in absence of Killi Maharajah abroad.

MTV interview by Gunaratne's good friend Faraz paid by Tirukumar. Faraz is making money from swindlers to protect them. Lawyer Hemantha Warnakulasooriya the vulgar lawyer MR's Ambassador to Rome who was interviewed by Faraz on MTV had to be recalled due to his sexual misconduct alleged by Italian government.

Bank documents stolen by Gamini Gunaratne's boosom pal Muzzamil's son in law Hardy Jamaldeen.

CID should investigate these criminal acts. CCTV would reveal say Bank sources.

Ravi

“It is well know fact that Treasury owed him money in the case of Hilton. What is the issue EN has with overdraft where he has got it producing right information and he can pay as promised or he can re-schedule as bank willing to go ahead with the request from him, whatsoever he has to pay so let him to pay, better EN get copy of verdict delivered on well-known Hilton case

Ibadun

Since you have raised the question yourself should you not as an investigative journalist as you hold out, investigate properly to find the answers yourself, instead of, as we suspect planting stories at the urgings of others to cause mischief and damage and intermeddle and interfere in the privity of legal contracts.

Mr.Ameresekere had been asked by the Treasury/Government to continue to prosecute his main Case after Enjoining Orders had been obtained preventing any payments to the

Japanese, as it prevented the cross default of Sri Lanka's foreign borrowings, with reserves being very low at that time.

Thereafter, after the Japanese Government's pressures Mr.Ameresekere had been urged by the Treasury/Government to settle his Cases. For this he negotiated and obtained a massive write-off of the loan and rescheduling of the balance loan, which had been fully guaranteed by the Government. For this purpose, Agreements had been executed between the Government, the Japanese and Mr.Ameresekere. The Government, admitting the immense benefit to the Government as the Guarantor had a direct Agreement to pay Mr.Ameresekere professional compensation, **before he withdrew his Cases.**

After undisputed criminality had been established before the Presidential Commission, the Japanese had wanted to have his Cases withdrawn threatening to pull out their Aid component to Sri Lanka. The Japanese were the biggest Aid giver to Sri Lanka at that time.

Mr.Ameresekere had once again been urged by the Government to withdraw his Cases and that professional compensation to him would be **paid thereafter** and Mr.Ameresekere had once again agreed to such anxious urgings of the Government. HDL had US\$ 30 Mn at that time due to injunctions obtained by Mr.Ameresekere. In this context an Addendum had been signed by the Government with Mr.Ameresekere and the Japanese. The US \$ 30 Mn held by HDL had to be paid to the Japanese.

With Cornel & Co Ltd filing several Cases, the Agreements could not be implemented. The last Case had been dismissed in June 2014 upon which Mr.Ameresekere's Lawyers had given notice to the Government, that the Agreements had come into force and had required fulfillment of the Government's obligations, which had not been disputed.

Nothing hinges on the CANC Minutes and the Cabinet Decision of 2005, but only the reconfirmation of professional compensation payable to Mr.Ameresekere by the Government. The Settlement referred to was a settlement of Cornel & Co. Ltd's last Case which got dismissed finally in June 2014. Mr.Kanagasabapathy, DG-Public Enterprises for reasons best known to him has attempted to mislead mischievous parties.

Professional compensation to Mr.Ameresekere stood and stands alone on the Agreement between the Government and Mr.Ameresekere for the immense benefit gained by the Government as the Guarantor as had been admitted in the Agreements. What Mr.Kanagasabapathy has stated, as reported by you is false.

Mr.Kanagasabapathy had been involved in the Sri Lanka Insurance Privatization against which Mr.Ameresekere had caused to be filed a Case in the name of Mr.Vasudeva Nanayakkara, which Mr.Ameresekere had appearing in person prosecuted with success to get Sri Lanka Insurance and Lanka Hospitals back to the Government. At current values these two businesses are worth over Rs. 75,000 Million.

The Supreme Court held the above was a fraud. PWC and E&Y had been paid at current values Rs 800 Mn as professional compensation by Mr.Kanagasabapathy and others out of public funds. After the Judgment should not these monies been recovered? But

Mr.Kanagasabapathy did nothing. He was also involved in the Evaluation Committee which recommended Petroleum Corporation to enter into the Hedging Deals which resulted in losses of US \$ 240 Mn (Rs 35,000 Mn) with legal costs of over Rs 750 Mn.

If that be the case, what should the equivalent compensation be for Mr.Ameresekere for getting a benefit of Rs 86,000 Mn at current values for the Government in getting such amount being written-off and for re-scheduling as per the Government's Agreement with Mr.Ameresekere? **He had to be paid before he withdrew his Cases.** If Mr.Ameresekere is not paid this would not only be a breach of contract, but also cheating him unexpected of a responsible Government.

Mr.Ameresekere had agreed as per the Agreement to have his professional compensation determined by an independent financial Institution. The Government engaged Merchant Bank of Sri Lanka for that purpose. As per the Merchant Bak of Sri Lanka the market norm was 2 % for a write-off and 1.5 % for re-scheduling of a debt. That is in a normal instance, but Mr.Ameresekere's case had been in an instance with heavy litigation.

At such market norms of 2% of the write-off and 1.5% of the re-scheduling professional compensation would amount to over Rs.2,300 Mn. as at end November, 2015. The Government had offered him only 14% thereof, i.e. Rs.300 Mn. and had obtained his written confirmation. This is an effective rate of 0.13% only against 2% & 1.5% market norms.

Mr.Ameresekere made a big mistake in withdrawing the Cases because of the Japanese pressures on the Government. Had he continued with the Cases, he would certainly have won. Then today Mr.Cornel Perera and Mr.Ameresekere would be the main stakeholders of HDL which they had promoted. With payment to the Japanese after winning the Cases the Government Guarantees would have got cancelled and the Government would not have had any ownership of HDL today.

Then there would not have been Competent Authority, Mr.Senaka Walgampaya. He has given a reckless, wrong and unwarranted opinion. It appears that he had not even examined the Agreements. He has interfered and intermeddled with the Government's Agreement with Mr. Ameresekere. He has signed a media notice asking voters to vote for President Mahinda Rajapakse, whilst being a statutory Public Officer.

Has he and Chairman Tirukumar Nadeson filed Assets Declarations as required by law? As revealed in a case, he had apparently concurred with Mr.Tirukumar Nadason, Chairman, HDL for the purchase of a luxury vehicle for Rs 25 Mn and to draw a Monthly Allowance of Rs 400,000/- for the Chairman. Mr.Ameresekere, the previous Chairman had not used a HDL vehicle, nor drawn any Allowance or Directors Fees. The conduct of Mr.Walgampaya is being examined to be dealt with before the relevant fora.

Have you filed an Assets Declaration as per the law and filed income tax returns? Will you publish your Bank Statements before you unlawfully do so of others? Do you get paid to write Articles and conduct TV Interviews?

We understand that Mr.Tirukumar Nadeson has visited Mr.Cornel Perera with Mr.Gamini Gunaratne just after he became the Chairman of HDL, as a kinsman of Mr.Mahinda Rajapakse. He had promised to get Mr.Cornel Perera's compensation paid and had wanted his help at the HDL Board. This, we understand had been secretly videotaped. We also understand that Mr.Tirukumar Nadeson had similarly visited Mr.Ameresekere with Mr.Gamini Gunaratne and had obtained his assistance stating that the Treasury had confirmed the compensation payment to him, and that he would get the compensation released. We understand that there are Letters in this regard.

Ultimately Mr.Tirukumar Nadeson had cheated both Mr.Cornel Perera and Mr.Ameresekere and had got Dr.P.B.Jayasundersera, Secretary to the Treasury to include HDL as the only non-performing Company in the Expropriation Act for a capital debt of only Rs 4,000 Mn. We understand that Mr.Tirukumar Nadeson had threatened the CFO that he would get Gota to white van him. Reportedly, he had also got Mr.Gamini Gunaratne to threaten the CFO.

At the moment Counsel are examining certain matters to report Mr.Tirukumar Nadeson for Contempt of Court.

Yours truly,

A handwritten signature in black ink, appearing to read 'S.P. Sriskantha', with a long horizontal flourish extending to the right.

**S.P.Sriskantha, LL.M. (U.K.),
Attorney-at-law,
Solicitor [Eng. & Wales]**

26.12.2015