

P14

46

CUS/Legal/AU/62/2005

03.08.2010

The Attorney General,
Attorney General's Department,
Colombo- 12.

Attention: Mr. Sanjay Rajaratnam
Deputy Solicitor General

SC/Spl/LA Application No: 100/2009

CA (Writ) Application No: 1413/2005

This has reference to your letter of even number dated 10.05.2010. Further reference is made to the meeting chaired by the Hon. Attorney General on 04.11.2009 re the appeal preferred to the Supreme Court against the judgment in CA(Writ)1413/2005. This meeting is reported to have been attended by my predecessor Mr. Jayatilleka, Mr. Jazeel- Additional Director General of Customs (Enforcement) and two Assistant Superintendents of Customs. Mr. P. Dep-Solicitor General and Mr. Rajaratnam-Deputy Solicitor General are reported to have been present at this meeting.

It is also been reported that this Department should continue with the Customs Inquiry under Sec. 8(1) of the Customs Ordinance and in the event any objection is raised by the petitioner Colombo Dockyard Ltd, citing the Court of Appeal judgment, then the Hon. Attorney General will defend the right to proceed with the inquiry.

However, the aforesaid letter does not reflect the advice given to my predecessor at the meeting referred to above.

Considering the colossal amount of fiscal levies evaded by Colombo Dockyard Ltd in respect of vessels sold locally about ten years ago, I am of the view that the withdrawal of the appeal to the Supreme Court at this stage is not appropriate.

W. Sudharma Karunaratne
Director General of Customs

e/c

TRUE COPY

TRUE COPY

N. Kodikumar
Attorney-at-law & Solicitor

Attorney-at-law

Sgc

Lr. addressed to the AG [as per draft approved by Mr. Jazeel Add. SGC (Enforcement)] is submitted for your sign. subject to approval of [Signature]

03/08/2010

DC
recd
of the
of
recd