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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Hon. CHANDRADASA NANAYAKKARA ESQR.,

Retired Justice of Court of Appeal

Inquiring holder under Section 2 of the Statute of the Powers of Supervision of the Administration of Local Authorities No. 04 of 1991 of the Western Province

I, Pestheruwe Liyanaralage Reginald Rosmand Cooray Wijewarnasooriya, Chief Minister Law and Order, Finance and Planning, Education, Employment, Housing and Constructions, Local Government and Local Administration, Transport and Culture, Provincial Council Western Province, do hereby appoint you to be one man Tribunal to examine and report as to whether the matters set out under Section 2(1) of the Statute of the Authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province have been performed by the Colombo Municipal Council an account of following reasons by virtue of the powers vested in me in terms of the provisions laid down in section (2) of the said Statute.

Matters to be probed are as follows:-

- (a) Commission of offence/offences stated in sections 2(1)(a) and 1 or 2(1)(c) of the statute of the authority of supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by acting to the Contrary of the Section 229(1) of the Municipal Council Ordinance by adopting a resolution by the council and acting in pursuance of such resolution to the effect that the contract for management of solid waste in the Municipal Division of Fort and in Administrative areas of divisional offices of No. 05 be given on 22.12.2006 or to the Careklean Private Limited of No. 96/A, Dutugemunu Mawatha, Kohuwela, Dehiwela for a period of 2 years onwards from 01.04.2007 on or thereabout in the act of performing by the Colombo Municipal Council.
- (b) Commission of offence/offences stated in Section 2(1)(a) and 1 or 2(1)(c) of the statute of the authority of supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by acting to the Contrary of the Section 229(1) of the Municipal Council Ordinance by adopting a resolution by the council and acting in pursuance of such resolution to the effect that the contract for

management of solid waste in the Administrative area of Divisional Offices of No. 01 of the Municipal Division Colombo be given to "Carekleen Private Company" of No. 96/A, Dutugemunu Mawatha, Kohuwela, Dehiwela for a period of 2 years onwards from 1st of July, 2007 or thereabout, on 22.12.2006 or thereabout, in the act of performing by the Municipal Council.

- (c) Commission of offence/offences stated in Sections 2(1)(a) and/or 2(1)(c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by adopting a resolution by the council and acting in pursuance of such resolution to the effect that the contract for management of solid waste in the "remaining portion of the divisional office administrative area No. 2A division" except Fort and Pettah Municipal Council be given to "Abans Environmental Private Company" of No. 141, Kirula Road, Colombo 05, for a period of 2 years onwards from 1st of July, 2007, on 22.12.2006 or thereabout, in the act of performing by the Municipal Council.
- (d) Commission of an offence stated in Section 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province adopting a resolution to spend a sum of Rs. 20,590,500.00 or an approximate amount for the purchase of 1590 Usha Sewing Machines for the distribution to "Municipal Members" and entering into an agreement with the Telesonic International on 29th November, 2006, such distribution was done on 24.11.2006 or thereabout performing the acts by the Colombo Municipal Council.
- (e) Commission of an offence stated in Section 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province adopting by purchase of asbestos roofing sheets at a price of Rs. 968.30 per sheet tendered by Chandra Sri Hardware Stores, after rejecting to purchase asbestos roofing sheets at a price of Rs. 746.23 per sheet tendered by Sri Ramco Private Firm which is also recommended by the evaluation committee to the effect that they are in conformity with specifications in the purchase of asbestos roofing sheets on 22.12.2006 or thereabout in the act of performing functions by the Colombo Municipal Council.
- (f) Commission of offence/offences stated in Section 2(1)(a) and/or 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province acting to the contrary to the Section 188(1) of the Municipal Councils Ordinance, having caused to purchase adopting a resolution to purchase 5682 Galvanized sheets by spending a sum of Rs. 5,227,440.00 or an approximate amount from the Municipal Funds for providing to "Municipal Council Members" on 22.12.2006 or thereabout in the act of functioning by the Colombo Municipal Council.
- (g) Commission of an offence stated in Section 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, having caused the Municipal Council Members to purchase 102174 parcels of cooked rice or an approximate quantity which were purchased extraneous to the tender procedure and by adopting a resolution to bear a cost of Rs. Six Million Four Hundred and Fifty Four (Rs. 645,4725/-) or approximate amount from the General Fund of the Municipal Council for such parcels of cooked rice on 29.05.2007 or thereabout in the act of functioning by the Colombo Municipal Council.
- (h) Commission of offence/offences stated in Section 2(1)(a) and/or 2(1)(c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, by not taking action to credit the General fund of the Municipal Council with a sum of Rs. 28,919,640.81 or an approximate amount accrued from conducting the Sathutu Uyana within the premises of the Vihara Maha Devi Park belonging to the Colombo Municipal Council within the period from 01.05.2006 to 01.05.2007, thereby violating Section 185(2)(e) of the Municipal Council Ordinance in the act of functioning by the Colombo Municipal Council.

Further, I would like to state that in terms of further provisions of the Section 2(2) of the Statute of the Powers of Supervision of the Administration of Local Authorities No. 04 of 1991 of the Western Province you are entitle to powers of a Commissioner appointed under commission of Inquiry Act in respect of this probe and that you are kindly requested to submit your report to me with your findings of investigations after completing the relevant investigation within a period of three months from the date of this appointment.

I would like to further inform you that the identified written and oral evidence that should be made use of in probing the aforesaid matters, are entered in the schedule below.

PESTHERUWE LIYANARALALAGE REGINALD ROSMAND COORAY WIJEWARNASOORIYA,
Chief Minister and Minister of Finance and Planning, Employment,
Law and Order, Education, Local Government, Provincial Administration,
Trasnport, Cultural and Art Affairs,
Western Province.

On this 13th day of June, 2007,
At the Ministry of Chief Minister,
Western Province,
Srawasthi Mandiraya,
Colombo 07.

SCHEDULE

01. Area file, free collection Waste Management in Municipal Dist. 01 Dist. 02A Area. Dist. 02A Area (Except Fort) and Dist. 05 Area bearing ME/SW/ML/115/2006 (Sec/CI/851/2006) of Colombo Municipal Council.
02. Minutes of Financial executive committee dated 19.12.2006 of Municipal Council Colombo.
03. Minutes of General Meeting dated 22.12.2006 of Municipal Council, Colombo.
04. Agreement No. 3309 dated 27th May, 2003 signed by and between Colombo Municipal Council and Carekleen Private Company of No. 96/A, Dutugemunu Mawatha, Dehiwela.
05. Agreement bearing No. 3328 signed on 18th August, 2003 by and between Colombo Municipal Council and Care Kleen Private Company of 96/A, Dutugemunu Mawatha, Kohuwela.
06. Agreement bearing No. 3331 signed on 28th August, 2003 by and between Colombo Municipal Council and Abans Environmental Private Company of No. 141, Kirula Road, Colombo 05.
07. File (pages 01 to 166) bearing No. CPD/01/2295/06 (CPD/2298/06, Sec/Ce/755/2006) of Municipal Council, Colombo.
08. Minutes of General Meeting dated 24.11.2006 of Municipal Council, Colombo.
09. Minutes dated 08.11.2006 of Financial Committee.
10. File No. CPD/1/2298(1)/06 (pages from 01 to 225) of Municipal Council, Colombo.
11. Letter dated 08.03.2007 and No. ME/SW/ML/1/2007 addressed to Commissioner of Local Government (W.P.) by the Municipal Commissioner of Municipal Council, Colombo.
12. Monthly report of income and expenditure of Sathutu Uyana from 01.05.2006 to 01.05.2007.

13. Letter dated 12.06.2007 and No. සළ 01/2007 addressed to the Commissioner of Local Government by the Municipal Commissioner, Colombo Municipal Council.
14. Minutes of Standing Committee meeting of Finance of Municipal Council Colombo dated 05.06.2007.
15. Minutes of the General Meeting dated 29.05.2007.
16. Minutes of the Standing Committee of Finance dated 17.05.2007.
17. Dr. J. A. Liyanage, Municipal Commissioner, Colombo Municipal Council.
18. Mr. K. W. K. Premadasa, Municipal Treasurer, Municipal Treasures Department, Municipal Council of Colombo.
19. Mr. S. P. S. Senadeera, Deputy Municipal Commissioner (Administration) Municipal Council, Colombo.
20. Mr. H. G. Siripala, Council Clerk, Municipal Secretary's Department.
21. Mr. B. Sooriyasekera, Purchasing Manager, Central Purchasing Department, Colombo Municipal Council.
22. Mr. D. M. P. P. de Silva, Charity Commissioner, Colombo Municipal Council.
23. Mr. M. I. M. Saleem, Superintending Engineer (Projects), Colombo Municipal Council.
24. Mr. S. Govinna, Accountant, Municipal Engineering Department, Colombo Municipal Council.
25. Manager, Telesonic International.
26. Mr. N. S. Jayasundara, Deputy Municipal Commissioner, (Engineering Services), Municipal Engineering Department, Colombo Municipal Council.