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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1795/30 - 2013 ජනවාරි මස 30 වැනි බදාදා - 2013.01.30

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(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Inquiry held under the Section 2 of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council

I, Prasanna Ranatunga, the Chief Minister and the Minister of Finance and Planning, Law and Order, Education, Land, Local Government and Provincial Administration, Electricity and Power, Manpower and Employment and Economic Promotion of the Western Province Provincial Council do hereby appoint the retired Judge of High Court Hon. Dudley Karunaratne as Single Person Tribunal of Inquiry as per the powers entrusted to me by the provisions of the Section 2(2) of the Powers of Supervision of the Administration of Local Authorities Statute No. 04 of 1991 of the Western Province Provincial Council, to inquire and submit a report within 03 months based on the following matters/allegations, whether the Kelaniya Pradeshiya Sabha, in the course of its functioning, has made the offences stated under Section 2(1) of the aforementioned Statute.

Matters/allegations to be inquired about :

- (a) In the course of its functioning, the Kelaniya Pradeshiya Sabha committing the offences stated in Section 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by allowing the weekly fair of Kiribathgoda owned by the Kelaniya Pradeshiya Sabha to be maintained without a contract to the person named K. G. D. Thilakasiri of No. 162/2, Dalupitiya, Kadawatha for the time period of 01st August, 2011 to 31st December 2011 and thereby acting contrary to Section 173 of Pradeshiya Sabha Act, No. 15 of 1987.
- (b) In the course of its functioning the Kelaniya Pradeshiya Sabha committing the offence/offences stated in Section 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by adopting on 29th July 2011 Rupees Four Hundred Thousand as the minimum bid to a sales outlet at the Trade Complex of Hunupitiya owned by the Kelaniya Pradeshiya Sabha without calling tenders to the previous adoption by the same Pradeshiya Sabha adopted on 30th November 2010 wherein it had been adopted that the minimum bid for a sales outlet at the aforesaid market complex to be Rupees One Million Two Hundred Thousand.
- (c) In the course of its functioning, the Kelaniya Pradeshiya Sabha committing the offence/offences stated in Section 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by taking action to call tenders having adopted without proper estimation Rupees Four Hundred Thousand as the minimum bid per one sales outlet applicable for sixteen such sales outlets of Hunupitiya Trade Complex owned by the Kelaniya Pradeshiya Sabha.

- (d) In the course of its functioning the Kelaniya Pradeshiya Sabha committing the offences stated in Section 2(1)(a) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by taking action to proceed with the adoption made on 27th July 2011 by the Kelaniya Pradeshiya Sabha that the minimum bid per one sales outlet from the sixteen sales outlets available in Hunupitiya market complex to be Rupees Four Hundred Thousand when the said Pradeshiya Sabha had previously adopted Rupees One Million Two Hundred Thousand as the minimum bid per a sales outlet mentioned above and thereby causing a loss of Twelve Million Eight Hundred Thousand Rupees or an amount equal to that to the Kelaniya Pradeshiya Sabha.

Further, according to the provisions stated extensively in Section 2(2) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, this single party tribunal shall comprise the powers entrusted to a Commissioner appointed under the Inspection Committee Act and it is hereby stated further that written and oral evidence identified as applicable when investigating the above stated matters have been included into the schedule below.

PRASANNA RANATUNGA,
Chief Minister and the Minister of Finance and Planning,
Law and Order, Education, Land, Local Government and
Provincial Administration, Electricity and Power,
Manpower and Employment and Economic Promotion of
the Western Province Provincial Council.

Chief Ministry of the Western Province Provincial Council,
“Shrawasthi Mandiraya”,
Colombo 07.
17th of January, 2013.

Schedule

Oral Evidences :

1. Former Secretary of the Kelaniya Pradeshiya Sabha - Mr. H. A. Hemapala,
2. Management Assistant in charge of Council Affairs of the Kelaniya Pradeshiya Sabha,
3. Investigation Officer at the Office of the Assistant Commissioner of Local Government, Gampaha - Mr. K. Gamini Somarathne,
4. Management Assistant in charge of renting out of sales outlets of Kelaniya Pradeshiya Sabha,
5. Secretary, Kelaniya Pradeshiya Sabha - Mrs. T. M. Swarna Pieris.

Written Evidence :

1. Contract signed by the date 31st January 2010 regarding the Kiribathgoda weekly fair in Kelaniya Pradeshiya Sabha.
2. Sabha Report of the Kelaniya Pradeshiya Sabha dated 30.06.2011.
3. Advertisement published in the “Dinamina” newspaper of 08.07.2011 in relation to tender calling for the Kiribathgoda weekly fair of Kelaniya Pradeshiya Sabha.
4. The certified copy of the letter No. කැප්‍රාස/ප්‍රකා/කෝ/සතිපොළ/බදුදීම dated 01.08.2011 of Kelaniya Pradeshiya Sabha.
5. Report of the General Meeting of the Kelaniya Pradeshiya Sabha held on 30.11.2010.
6. Report of the General Meeting of the Kelaniya Pradeshiya Sabha of 29.07.2011.
7. Agenda related to the General Meeting of Kelaniya Pradeshiya Sabha dated 29.07.2011.
8. The document file relevant to renting out of sales outlets in the Hunupitiya Trade Complex of Kelaniya Pradeshiya Sabha.