

# Central Expressway third section: RDA tells court it won't sign agreements till July 26

The Road Development Authority (RDA) this week gave an undertaking in the Court of Appeal (CA) that it would not enter into any agreements, thereby preserving the status quo till the next hearing on July 26, 2022, with regard to the third section of the Central Expressway Project (CEP3).

The undertaking was given on Friday when a writ application was taken up before Justices Sobitha Rajakaruna and Dhammika Ganepola.

Two activists, Sandun Thudugala and Renuka Sampath, have petitioned the CA seeking several reliefs including an interim order preventing the awarding of any contract in relation to the proposed CEP3 from Rabukkana to Galagedara.

They are acting in their private capacity for and on behalf of the public who, as Sri Lankan citizens, are called upon to pay taxes as well as meet transportation costs, loan repayments and public debt.

The respondents are the RDA; the Highway Minister; a joint venture consortium called Lanka Infrastructure Development

Consortium (LIDC) consisting of Access Engineering Ltd, MAGA Engineering (Pvt) Ltd, International Construction Consortium (Pvt) Ltd, K.D.A Weerasinghe & Company and NEM Construction (Pvt) Ltd; and MCC International Incorporation Ltd China.

With lawyers for the petitioners wishing to obtain further interim reliefs, the respondents moved to file limited objections on July 7, 2022, prior to the next hearing on July 26, 2022.

The petitioners plead that the economic viability of CEP3 is causing grave concern to them and the public "who will be called upon to repay for government procurement and/or agreements". They maintain that its economic viability is marginal whereas the financial commitment to the country and debt repayment burden cast upon them and the public are colossal.

The petitioners say they believe there are attempts to expedite CEP3 "especially in the background of the present economic decline at a very significantly inflated and

increased cost".

Their action is therefore instituted for the public benefit "in view of the gross economic damage being caused by expediting this particular component of the expressway in violation of due process of law, causing grave damage to the petitioners and the economy of the country".

The petitioners assert that it is in the public interest for information to be obtained on the procurement process, costing, the return on investment and currency fluctuation in relation to CEP3. But there is no indication, among other things, of the pre-qualification of the bidders, contractual details or price escalation.

Counsel Hiran de Alwis with Kusal Kuruvitage and Randhini Fernando appeared for the petitioners upon instructions of I.R.P De Silva. S. Senatilaka appeared for the RDA and Uditha Egalahewa, PC, with Nisal Kohona instructed by Chandrakumar de Silva appeared for the 4th Respondent, MCC. Shiroma David, State Counsel, appeared for the Attorney General.