

IN THE COMPETITION APPELLATE TRIBUNAL2ND Floor, Federal Courts Complex, G-11/1, Islamabademail: registrartribunal@gmail.com

Tel No: 051-9320208, Fax No: 051-9320203

No. 45 (iii) /Reg./CAT/2026Dated: 11-03-2026

Vision Developers (Private) Limited
Vs.
Competition Commission of Pakistan
NOTICE
Appeal No.01/2024

Take notice that under rule 51 of the Competition Appellate Tribunal Rules, 2015, attested copies of the judgment dated **10-02-2026** is enclosed for information and record.

2. Given under my hand and stamp of the Tribunal, this 11th day of March, 2026.

Mustajab Alam

(MUSTAJAB ALAM)

Registrar
REGISTRAR
 Competition Appellate Tribunal
 Government of Pakistan
 Islamabad



1. **Vision Developers (Pvt) Ltd,**
 Chief executive Officer,
 55-C-2, Gulberg III,
Lahore.

2. **Khawaja Ahmed Tariq Rahim & Associates,**
 11-Justice Sardar Iqbal Road,
 OFF-Zafar Ali Road, Gulberg-V,
Lahore.

✓ 3. **Competition Commission of Pakistan,**
 7th Floor ISE Towers, 55-B, Jinnah Avenue,
Islamabad.

4. **Ravi Urban Developers Authority (RUDA),**
 through its CEO,
 5-C, Muslim Town,
Lahore.

5. **Barrister Haris Azmat,**
 14-A, Street No. 55, F-7/4,
Islamabad.

IN THE COMPETITION APPELLATE TRIBUNAL, ISLAMABAD

(Appeal No. 01 of 2024)

Vision Developers (Private) Limited.....Appellant

Versus

Competition Commission of Pakistan &
another.....Respondent

Present: Justice (R) Muhammad Junaid Ghaffar,
Chairperson.
Dr. Faiz Illahi Memon, Member Technical-I
Mr. Asim Akram Member Technical-II.

For the Appellant: Mr. Khawaja Tariq Raheem & Mr. Azhar
Siddique, Advocates.

For Respondents: M/s. Amjad Hammad Ghouri Advocate and
Hafiz Naeem Senior Legal Advisor CCP.

Mr. Haris Azmat & Mr. Saifullah Khan Advocates
for Ravi Urban Development Authority (RUDA)

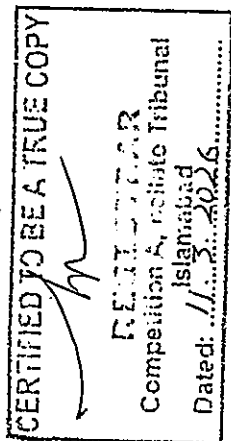
Rana Ali Riaz Advocate for Respondent No.2

Date of hearing: 10.02.2026

Date of Judgment: 10.02.2026

JUDGMENT

Justice (R) Muhammad Junaid Ghaffar, (Chairperson): Through this Appeal, the Appellant has impugned order dated 29.12.2017, passed by two Members of the Competition Commission of Pakistan ("Commission"), through which penalty of Rs. 10 million (Ten Million) has been imposed for violation of section 10 of the Competition Act, 2010 ("Act"), to be deposited within 45 days of the order failing which a further penalty of Rs. 250,000 (Two Hundred and Fifty Thousand) per day from the date of issuance of the impugned order shall also be payable and criminal proceedings may also be

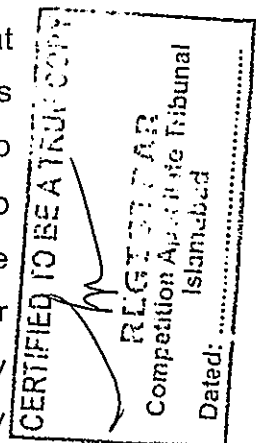


initiated under sub-section (5) of the section 38 of the Act. In addition to this, the impugned order has also given certain directions to the Appellant and to file a compliance report to the Commission.

2. The proceedings in question were initiated under Section 30 of the Act based on a complaint by Respondent No.2 under Section 37(2) of the Act, whereas the Appellant in its reply raised various legal and factual objections including an objection as to the very maintainability of the complaint. The Commission while passing the impugned order settled the following issues for determination:

- (i) Whether Commission has jurisdiction to conduct enquiries and initiate proceedings in the real estate sector for violation of Chapter-II of the Act in general and Section 10 of the Act in specific?
- (ii) What is the scope of powers of the Enquiry Committee constituted by the Commission pursuant to Section 37 of the Act?
- (iii) Whether principles of natural justice and fair/due process guaranteed under the Constitution and the Act have been adhered to by the Commission in the instant proceedings?
- (iv) Whether the Complainant is an undertaking and has locus standi to file a complaint under Section 37(2) of the Act?
- (v) Whether the subject advertisements are deceptive in that they provide false and/or misleading information in violation of the Section 10 of the Act?

3. Though very detailed arguments were made by the learned counsel for the Appellant in respect of legal as well as factual aspect of the case; however, the first and foremost objection raised was in respect of issue No.(iv), i.e. the very maintainability of the complaint filed by the Respondent No. 2 under section 37 (2) of the Act. Learned counsel has contended that Respondent No. 02 does not fall within the definition of an undertaking as provided in section 2 (q) of the Act; hence, the Commission had no jurisdiction to entertain the complaint under section 37 (2) ibid. According to him the complaint was filed by an individual who was a front man of the political opponent of the Chief Executive of the Appellant, whereas neither he was in the same business nor engaged in production or supply of any business identical to the Appellant. He has contended that any attempt by the Commission to link the complainant with some Matto Trading and

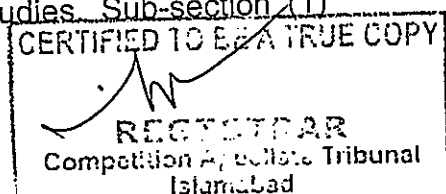


Heard learned counsel for the parties and perused the record. Since our finding on issue No.(iv) (i.e. *Whether the Complainant is an under undertaking and has locus standi to file a complaint under Section 37(2) of the Act?*) will determine the fate of the complaint, therefore, the same is being dealt with as a preliminary legal issue. It appears from the record that that proceedings in question were initiated by the Commission at the behest of Respondent No. 2 who had approached the Commission by way of a complaint under section 37 (2) of the Act. Admittedly it is not a case of proceedings on its own (suo moto) by the Commission in terms of Section 37(1) of the Act. Before proceeding further, it would be advantages to refer to the relevant provisions of law i.e. section 2 (1)(q) and section 37 (2) of the Act, which reads as under;

2(1)(q) "undertaking" means any natural or legal person, government body including a regulatory authority, body corporate, partnership, association, trust or other entity in any was engaged, directly or indirectly, in the production, supply, distribution of goods or provision or control of services and shall include an association or (sic) undertakings; and

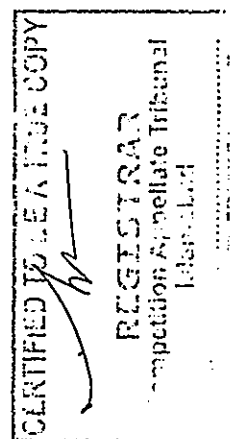
37(2) Where the Commission received from an undertaking or a registered association of consumers a complaint in writing of such facts as appear to constitute a contravention of the provisions of Chapter II, it shall, unless it is of opinion that the application is frivolous or vexatious or based on insufficient facts, or is not substantiated by prima facie evidence, conduct an enquiry into the matter to which the complaint relates.

7. Section 2(1)(q) defines an undertaking which means any natural or legal person, governmental body including a Regulatory Authority, body corporate, partnership, association, trust or other entity in any way engaged, directly or indirectly, in the production, supply, distribution of goods or provision or control of services and shall include an association of undertakings. Insofar as Respondent No.2 is concerned as per the record, complaint was filed by him in his personal name (Mubasher Javed) and therefore, he would fall under or can be called a "natural person" if at all the definition of undertaking applies to him. When confronted, learned Counsel for Commission also conceded to this proposition that the complainant was a "natural person" as the complaint was filed in his personal name. On the other hand, Section 37 deals with enquiry and studies. Sub-section (1)



empowers the Commission to act on its own, or upon a reference made to it by the Federal Government to conduct enquiries into any matter relevant for the purposes of this Act. Sub-section (2) provides that where the Commission receives from an "undertaking" or a "registered association of consumers" a complaint in writing of such fact as appear to constitute a contravention of the provisions of Chapter-II, it shall, unless it is of the opinion that the application is frivolous or vexatious or based on insufficient facts, or is not substantiated by prima facie evidence, conduct an enquiry into the matter to which the complaint relates. Therefore, it is only an "undertaking" or a "registered association of consumers" who can approach the Commission by way of a complaint under section 37 (2) of the Act. In the instant matter, the complainant, therefore, must first fulfill the requirements of qualifying as an "undertaking" in terms of section 2(1)(q) of the Act as admittedly, it is not a registered association of consumers.

8. When the complaint is examined, it transpires that it is by an individual named "Mubasher Javed" claiming to be a conscious and a law abiding citizen of Pakistan and in the entire complaint he had failed to disclose any information or material about himself so as to fulfill the requirement of an undertaking as provided under Section 2(1)(q) of the Act. It is also a matter of fact that at the time of filing of complaint he had not filed any documents to substantiate as to what business he was involved into, viz a viz the Appellant, and therefore, it was not lawful for the Commission to take cognizance of the complaint in terms of Section 37(2) of the Act. Since the proceedings in hand were not on its own (suo moto) as provided in Section 37(1) of the Act, it was incumbent upon the Commission to examine this aspect of the matter. At least a tentative assessment ought to have been made as to the status of the complainant when some enquiry is being initiated in terms of Section 37(2) of the Act. The requirement of being an undertaking is a must, and therefore, first it must be concluded that the complainant is an "undertaking" within the contemplation of Section 2(1)(q) of the Act, and only then the enquiry could proceed under Section 37(2) of the Act. This Tribunal is of the view that such exercise must be completed prior to taking any cognizance and ordering of an enquiry into the complaint and cannot be decided or determined while passing the final order. In the case in hand, it seems that once an objection was raised, the complainant



This is notwithstanding the fact that these documents were never investigated or called for at the enquiry stage, and it is only after an objection was raised by the Appellant in its written reply to the show cause notice that

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filed certain documents to establish his status of an undertaking in terms of Section 2(1)(q) of the Act, and the Commission has accepted such documents by holding that the Complainant does fulfill the requirement of an undertaking. The relevant finding of the Commission in this regard is as under;

48. On perusal of the case record, the Commission finds that the Complainant is engaged in the business of developing real estate, assisting individuals and institutional clients, both directly or through network of associates, in procuring and disposal of real estate assets in the name of M/s Matto Trading & Construction having its office at 159 Iqbal Park, Defence Boulevard Lahore Cantt, Lahore. It is relevant to highlight the Commission in one of its recent order i.e. in the matter of Show Cause Notice issued to Utility Stores Corporation of Pakistan (Private) Limited (hereinafter the 'USC Order') has held that "If any legal entity or natural person is engaged in any way in the production, supply, distribution of goods or provision or control of services, the said entity would fall within the purview of the term 'undertaking'."

49. It is relevant to highlight that the Respondent has not provided any further evidence in support of its objection raised through the written reply, however, the Complainant on the other hand has provided his income tax details which clearly shows him to be engaged in provision of the aforementioned services of procuring and disposal of real estate assets in the name of M/s Matto Trading & Construction. For the foregoing reasons, the Commission is satisfied that the Complainant falls within the purview of "Undertaking" to file an application (s) for contravention of Chapter-II provisions under subsection (2) of section 37 of the Act. Accordingly, the objection of the Respondent in this regard is turned down.

9. As observed earlier, the complainant had not annexed or submitted any material to establish that it is an *undertaking* and is involved in the same line of business as that of the Appellant; however, as per record, later on the complainant had filed certain tax returns as well as some correspondence addressed by DHA and PEC to establish that it falls within the definition of an undertaking in terms of Section 2(1)(q) of the Act. The said documents have not only been accepted by the Commission, but the above observations have been recorded to dismiss the objection of the Appellant. However, perusal of these documents nowhere establishes that the complainant was, in any manner, involved in real estate development; rather the Tax Returns show that he is earning some rental income from properties. We are completely at a loss to understand as to how the Commission has concluded that complainant *"is engaged in the business of developing real estate, assisting individuals and institutional clients, both directly or through network of associates, in procuring and disposal of real estate assets"*. It seems that to overrule the objection taken by the Appellant in its written reply, in a very cursory manner, the Commission on its own has arrived at this conclusion without their being any

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provisions of section 4 and 10 of the Act, an inclusive / broader view has to be taken, whereas if a case is that of entertaining a complaint under section 37(2) of the Act, then the word "undertaking" will have to be strictly construed as it provides that only an "undertaking" can file or bring a complaint against another undertaking. The law does not provide that any "person" or "consumer" can bring a complaint in terms of section 37(2) of the Act. It is also pertinent to note that the Commission after entertaining the complaint and ordering enquiry had issued show cause notice for alleged violation of section 10(1)¹ and 10(2)(b)² of the Act. Section 10(2)(b) refers to distribution of false or misleading information to "consumers" and not an "undertaking".

On the contrary, section 10(2)(a) deals with causing of harm to the business of an "undertaking". Since in the instant matter, the show cause notice is for violation of section 10(2)(b) of the Act, therefore, the complainant cannot be a consumer as it is not provided for in section 37(2) of the Act. For invoking section 10(2)(b) *ibid*, either a *suo moto* action has to be taken by the Commission, or perhaps while dealing with a complaint by an "undertaking" within the contemplation of section 10(2)(a) of the Act, a joint action in terms of section 10(2)(b) can also be taken; however, but this is just a tentative view as the question before us is somewhat different and will be dealt with in an appropriate case. As to the present case, it seems that the Commission has entertained a complaint of a "consumer" by invoking the provisions of section 10(2)(b) of the Act which the Commission could not, and therefore, the entire exercise carried out by the Commission starting from the enquiry was without lawful authority and jurisdiction.

12. In India, The Competition Act, 2002, caters to this aspect of the matter in a different way by providing various definitions of consumer³, enterprise⁴, party⁵, person⁶ and so on so forth. Section 19 of the said Act pertains to inquiry into certain agreements and dominant position of an enterprise (interestingly the Indian Act does not cater to issues of deceptive marketing practices). Section 19 empowers the Commission to inquire into any alleged

¹ (1) No undertaking shall enter into deceptive marketing practices

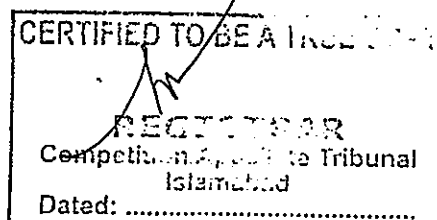
² The distribution of false or misleading information to "consumers", including the distribution of information lacking reasonable basis, related to the price, character, method or place of production, properties, suitability for use, or quality of goods;

³ [section 2(f)]

⁴ [section 2(h)]

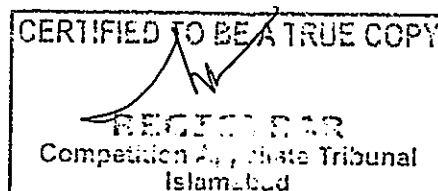
⁵ [section 2(ka)]

⁶ [section 2(l)]

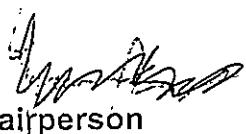


contravention of the provisions of section 3(1) (Anti-competitive agreements) or section 4(1) (Abuse of dominant position) of the Act, either on its own motion or when it is in receipt of any such information from any person, consumer or their association or trade association. Hence, the scope of a complaint in India appears to be expansive or inclusive. Therefore, until the Act in question is amended by providing such analogous definitions, including that of a *consumer* and so also entertaining a complaint from a consumer, the Commission cannot act beyond the scope of the present Act, whereby section 37(2) restricts the right of complaint to an "undertaking" as defined in section 2(1)(q) of the Act and without any such complaint, violation of section 10(2)(b) of the Act cannot be alleged or invoked. It can only be done either on its own (*suo moto*) or when a complaint has been filed by an undertaking which fulfills the requirement of section 2(1)(q) of the Act and an action is being initiated for violation of section 10(2)(a) of the Act as well. Therefore, for a complaint to be maintainable in terms of section 37 (2) of the Act, it is mandatory that it should be by an undertaking which has been referred to in section 10(2)(b) *ibid* which is being caused harm by the conduct of the undertaking cited as a respondent in the complaint. It cannot be filed by any undertaking but by an undertaking whose business interest is capable of being harmed. It is irrelevant at that stage of the proceedings that such harm is determinable or not at the time of filing and or entertaining a complaint. But, at all times the said complainant undertaking must be in the same line of business, if not, in the same product at least.

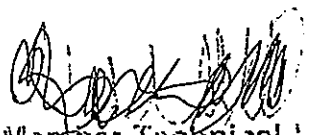
13. Lastly, it is needless to state that the complainant by himself, through an application in writing has withdrawn from his complaint. Though this has been done after passing of the impugned order; however, in his withdrawal application read with the statement of the Counsel, he has affirmed that he is neither a property developer, promoter or housing scheme operator, but only a contractor duly approved by DHA and other government departments. He has further stated that he is not a competitor nor a market participant, whereas the complaint was filed purely on a misunderstanding of facts. This assertion of the complainant before us, leaves no further ground to arrive at a different conclusion to what we already have as against the finding of the Commission in this regard at Para Nos. 48 and 49 of the impugned order already discussed hereinabove.



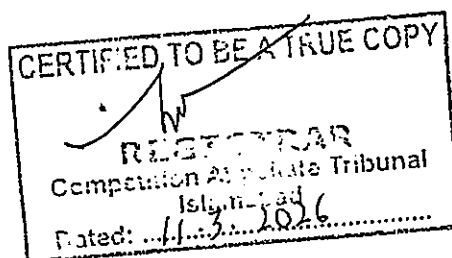
14. In view of hereinabove facts and circumstances of the case we had come to a conclusion that the Complainant/Respondent No. 02 does not qualify to be an "undertaking" within the meaning of section 2(1) (q) of the Act; hence the his complaint under section 37 (2) of the Act was incompetent and could not have been entertained for any further proceedings. In view of such position other issues need to be answered. Accordingly, by means of a short order passed on 10.02.2026 this Appeal was allowed in the following terms⁷ and these are the reasons thereof.


Chairperson

10.3.2026


Member Technical-I


Member Technical-II



⁷ This is an Appeal against order dated 29.12.2017 passed by the Competition Commission of Pakistan ("CCP") pursuant to a complaint of Respondent No.2/ Complainant under Section 37(2) of the Competition Act, 2010 which provides an undertaking to make a complaint to CCP.

Heard learned counsel for the parties and perused the record. For reasons to be recorded later, the Appeal is hereby allowed and the impugned order of CCP dated 29.12.2017 is hereby set aside as apparently Respondent No.2 / complainant does not fall within the definition of an undertaking as provided under section 2 (q) of the Competition Act, 2010.