

By Special Messenger
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IN THE COMPETITION APPELLATE TRIBUNAL

2ND Floor, Federal Courts Complex, G-11/1, Islamabad
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Tel No: 051-9320208, Fax No: 051-9320203

No. 344
Dated: 21-03-2024

Irshad Trading Corporation
Vs.

COMPETITION COMMISSION OF PAKISTAN

NOTICE

DIARY NO. 06/2020

Take notice that under rule 51 of the Competition Appellate Tribunal Rules, 2015, attested copies of the Judgment dated **19-03-2024** is enclosed for information and record.

2. Given under my hand and stamp of the Tribunal, this 21st day of March, 2024.



S.A.F.
(**SAEED AFZAL**)
Registrar
REGISTRAR
Competition Appellate Tribunal
Government of Pakistan
Islamabad

Irshad Trading Corporation (Through its Authorized Representative)
Office # 171-B, Gulistan Colony,
Millat Chowk, Sheikhupura Road,
Faisalabad.

Muhammad Javed Awan,
Chaudhry Nazir Plaza,
Bolan Road, Near Masjid Anwar-e-Madina,
Sohan Garden, **Islamabad.**
(0333-4563289)

M/S Polycon (Pvt) Ltd.
Street No. 4th, House No. 62-CMA, Officer Colony, Lahore Cantt.
Lahore.

✓ **Competition Commission of Pakistan,**
ISE Tower, 55-B, Jinnah Avenue,
Islamabad.

S.L.A. II
By Registrar

25/3

Office of the Registrar
Diary No: 655
Date: 25/3/24

Office of the Sr. Legal Advisor
Diary No: 97
Date: 26-3-24

1

**BEFORE THE COMPETITION APPELLATE TRIBUNAL,
ISLAMABAD.**

Irshad Trading Corporation, Office at 171-B, Gulistan Colony, Millat Chowk, Sheikhpura Road, Faisalabad through its authorized Representative.

...Appellant

Versus

1. Competition Commission of Pakistan, 55-B, 7th Floor ISE Towers, Jinnah Avenue, Blue Area, Islamabad.

2. M/s Polycon (Pvt) Ltd., Street No.4th, House No.62-CMA, Officers Colony, Lahore Cant., Lahore.

...Respondents.

APPEAL U/S 42 OF THE COMPETITION ACT, 2010

1. JURISDICTION

The Appellant above named submits that the Order dated December 24, 2019 (Impugned Order) passed against show cause No.34 dated 30.09.19 passed by learned Bench, (comprising three members) of the Competition Commission of Pakistan (Respondent No.1). Accordingly, this Tribunal has the jurisdiction to hear this Appeal according to Section 42 of the Competition Act, 2010 ("Act").

Copy of the Impugned Order dated December 24, 2019
is attached herewith and marked as Annexure "A-1".

CERTIFIED TO BE A TRUE COPY


REGISTRAR
Competition Appellate Tribunal
Islamabad
Dated: 21.03.2024

IN THE COMPETITION APPELLATE TRIBUNAL, ISLAMABAD

Case No: Diary No. 06 of 2020

Irshad Trading Corporation

Versus

Competition Commission of Pakistan and another

Present: Justice Mazhar Alam Khan Miankhel, Chairperson.
Muhammad Asghar Ch. Member Technical-I.
Raja Saad Sultan, Member Technical-II.

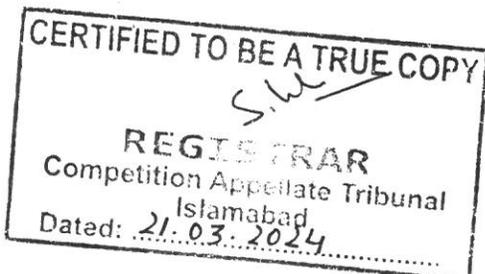
For the Applicant: Mr. Muhammad Javed Awan, Advocate
For Respondent : Mr. Hassan Ahsan, Law Officer, for the CCP
Date of hearing: 19.03.2024

Justice Mazhar Alam Khan Miankhel, Chairperson

CMA No: 01 of 2024

This is an application for restoration of the main appeal dismissed for non-prosecution on 13.12.2023. The main ground as it appears from the application that no notice to the counsel for appellant i.e. Mr. Muhammad Javed Awan, advocate was issued and served upon him. Whereas the notice from the office was issued in the name of previous counsel of the appellant namely Mr. Iftikhar A Awan.

02. We have heard the learned counsel for the parties and have gone through the record. Record of the case reveals that the above noted appeal was dismissed for non-prosecution on 13.12.2023. The application for restoration was belatedly filed on 11.03.2024 which is not only time barred but no application for condonation of delay has been filed. The knowledge of said dismissal as given in the application is that the appellant got



knowledge after the attachment of his bank accounts. Available record of the case reveals that notices to pursue the appeal were throughout issued in the name of Mr. Iftikhar A Awan and associates and the last notice for 13.12.2023 was also issued against him on the same given address. The record further reflects that despite issuance of notice in the name of Mr Iftikhar Ahmed Awan, the learned counsel present before the Tribunal Mr. Muhammad Javed Awan used to appear before the Tribunal besides his co-counsel Mr. Mukhtar Ahmed Bhatti, advocate. The reason given for non-appearance as reflected in the application, in view of the record, holds no ground. Both the learned counsel Mr. Iftikhar Ahmed and Mr. Muhammad Javed Awan appear to be of the same chamber. We have prepared a data sheet of the notices issued and the appearance of learned counsel for the applicant from the available record for our convenience which is also being made part of the record. The learned counsel was also confronted with the said data sheet but he was unable to justify the ground taken in his application. The data sheet of notices and the appearance of learned counsel before the Tribunal is sufficient to negate the claim of the learned counsel for applicant rather it amounts to misleading the Tribunal and for the said conduct of the learned counsel, he was reprimanded to be careful in future. The application so moved is not only time barred but also does not reflect any sufficient cause which could have justified the restoration of main appeal, hence, this application being meritless is dismissed as such with no order as to costs.

- sd -

Chairperson

- sd -

Member Technical-II

- sd -

Member Technical-I

