

**BEFORE THE COMPETITION APPELLATE TRIBUNAL,
ISLAMABAD**

PAKISTAN STATE OIL COMPANY LIMITED

..... APPELLANT

VERSUS

COMPETITION COMMISSION OF PAKISTAN AND OTHERS

..... RESPONDENT

Appeal No. 91 of 2022

Present: Justice Mamoon Rashid Sheikh, Chairperson.
Muhammad Asghar Ch, Member Technical.
Raja Saad Sultan, Member Technical.

For the Appellant: Mr. Muhammad Usman Hafeez, Advocate, along
with Mr. Naveed Ahmed, Business Partner Legal
Central PSO

For Respondent No: 1. Mr. Haider Imtiaz, Law Officer, for the CCP.

For Respondent No: 2. Nemo.

For Respondent No: 3. Mr. Usman Jamshed, Advocate for CCA.

For Respondent No: 4. Mr. Hamid Nawaz, Advocate.

For Respondent No: 5. Mr. Masham Sheraz, Advocate.

Dates of hearing: 15.06.2022, 21.06.2022, 06.07.2022, 14.07.2022,
18.10.2022, 25.10.2022, 16.11.2022, 20.12.2022,
25.01.2023, 06.02.2023, 07.02.2023, 23.05.2023
and 31.05.2023.

ORDER

Justice Mamoon Rashid Sheikh, Chairperson.

This order is in continuation of the
orders dated 07.02.2023 and 23.05.2023.

2. Respondent No: 3 has filed a
report in compliance with the order, dated

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23.05.2023 under Diary No: 79 of 2023. The report inter alia reiterates the submissions made by the learned Counsel for respondent No: 3 on the last date of hearing and is also supported with photocopies of the Letters of Award (LOAs), dated 13.04.2023 and 20.04.2023, issued by respondent No: 3 to the appellant.

3. The learned Counsel for respondent No: 3 submits that subsequent to the award of lease of land by the Board of Respondent No: 3 to the appellant for a period of ten (10) years through the LOA, dated 13.04.2023, for the Operation, Management and Maintenance of Eastern Joint Hydrant Depot (EJHD) at Jinnah International Airport (JIAP) Karachi and Provision of Aviation Fuel at Other Airports, the appellant through its E-Mail, dated 19.04.2023, expressed certain reservations, which were addressed and redressed by respondent No: 3 through the LOA, dated 20.04.2023. The appellant accepted the LOAs without any further reservation or protest.

4. The learned Counsel has submitted photocopies of the correspondence exchanged in this respect.

5. Be made a part of the record.

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6. Contends that in view of the above, the appeal has become infructuous and may be dismissed as such.

7. The learned Law Officer of the CCP and the learned Counsel for respondents No. 4 and 5 also submit that under the circumstances the appeal has become infructuous and may be dismissed.

8. The learned representative of the Appellant submits that the issues raised in the appeal are very much alive.

9. The LOAs do not in any way detract from the appellant's position taken in the appeal.

10. The learned representative, however, concedes, under instructions, that the LOAs have been accepted by the appellant without any reservation.

11. In view of the above and the facts that respondents No. 4 and 5 have obtained the requisite Exemptions Certificates in respect of the 1961 and 1994 Agreements from the CCP, as directed through Para 40(a) of the impugned order; and non-participation of respondent No: 2 in the pre-qualification / bidding process in question and it's continued absence from the present proceedings; and the admitted position that the lease of the land where the

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Fuel Hydrant System has been installed at JIAP admittedly expired on 02.05.2020; we do not feel that there is any live issue in the appeal.

12. As a consequence, the appeal is dismissed as having become infructuous.

13. There is no order as to costs.

- sd -

Justice Mamoon Rashid Sheikh
Chairperson

- sd -

Raja Saad Sultan
Member Technical-II

- sd -

Muhammad Asghar/Ch.
Member Technical-I