

IN THE COMPETITION APPELLATE TRIBUNAL

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No. 360 (iii) /Reg./CAT/2025

Dated: 15-05-2025

M/S DIAMOND PAINT INDUSTRIES (PRIVATE) LIMITED

Vs.

COMPETITION COMMISSION OF PAKISTAN

NOTICE

Appeal No.01/2025

Take notice that under rule 51 of the Competition Appellate Tribunal Rules, 2015, attested copies of the Judgment dated **13-05-2025** is enclosed for information and record.

2. Given under my hand and stamp of the Tribunal, this 15th day of May, 2025.



M. Alor
(MUSTAJAB ALAM KHAN)
Registrar

REGISTRAR
Competition Appellate Tribunal
Government of Pakistan
Islamabad

1. **M/s Diamond Paint Industries (Private) Limited,**
through its authorized representative Mr. Muhammad Irfan Hassan, CFO
with its address at Pindi Stop, Peco Road, Kot Lakhpat,
Lahore.

2. **Mr. Waqqas Ahmed Mir,**
Advocate Supreme Court,
5-S Gulberg-II,
Lahore.

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

4. **Nippon Paint Pakistan (Private) Limited,**
through its registered address at 100-G, Phase 1, DHA,
Lahore.

**IN THE COMPETITION APPELLATE TRIBUNAL,
ISLAMABAD**

(Appeal No. 01 of 2025)

Diamond Paints Industries

.....Appellant

Versus

Competition Commission of Pakistan

.....Respondent

Present: Mr. Justice Sajad Ali Shah, Chairperson.
Dr. Faiz Illahi Memon, Member Technical-I.
Mr. Asim Akram Member Technical-II.

For the Appellant: Mr. Waqas Ahmed Mir, Advocate.

For Respondent No-1: Mr. Haider Afzal Khan and Hafiz
Naeem, legal Advisors for CCP.

For Respondent No-2: Mr. Hammad Saeed, Advocate.

Date of hearing: 13.05.2025

Date of Announcing

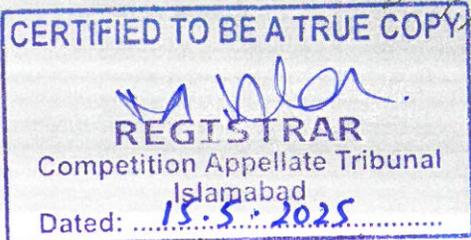
Judgment: 13.05.2025.

JUDGMENT

Justice Sajjad Ali Shah, Chairman.

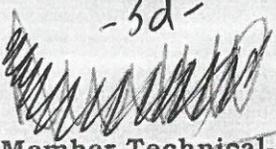
Learned counsel for the appellant has contended that the impugned order holds the appellant liable for violating the provision of section 10 (1) read with section 10 2(b) of the Act, 2010 and has imposed penalty of Rs. 5 Million and in case the penalty is not deposited within 45 days, additional penalty of Rs. 10,000/- for each day of delay.

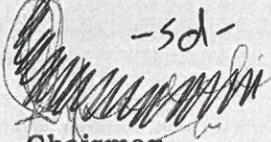
2. Learned counsel has invited our attention to Para-26 of the Impugned order which reflect the appellants Compliance Oriented approach. It was further submitted that the issue of non-mentioning of token in the Paint Box has cropped



up in 2012 when direction to mention the fact of Paint Box containing token was required not only on the Paint Box but in all the advertisements and the appellant was found compliant till 2021. Per counsel in the second stretch no sooner the notice was received by the appellant from the Commission the appellant then and there corrected itself. It was in these circumstances prayed that the penalty amount of Rs. 5 Million is at higher side and the appellant would not contest this appeal in case the penalty is reduced.

3. In our opinion the purpose of penalty is mainly to bring the market in order in terms of Act, 2010 and the penalty imposed of course inter-alia works as a deterrent. We also find that upon filing the appeal the impugned order was suspended, therefore, the effect of per day fine is in-applicable. We keeping in view the compliant oriented approach of appellant, total submissions and assurance that such approach would remain the same while dismissing the appeal would reduce the penalty to Rs. 2.5 Million which should be deposited within a period of 30 days and compliance report be filed with CCP, failing which the impugned order will full force shall stand revived.

-sd-

Member Technical-I

-sd-

Chairman

-sd-

Member Technical-II

Announced in open court:

13.05.2025.

