

BEFORE THE COMPETITION APPELLATE TRIBUNAL, ISLAMABAD.

A. No. 08/2016

Appeal No.: 08 /20 16

1. M/s. Jotun Pakistan (Pvt.) Limited, a company incorporated under the applicable laws of Pakistan having its registered office at 2 K.M. Defence Road, Off 9 K.M. Raiwind Road, Lahore, acting through its duly authorized representative/Company Secretary Mr. Mohammad Mansoor Ali Zaidi, resident of 169, DHA, Phase IV, Block CC, Lahore Cantt., Lahore holding CNIC No. 36302-0347858-5;

... The Appellant

Versus

2. The Competition Commission of Pakistan, an organization/entity established under the Competition Act, 2010 through its Chairman, having its office at 7th Floor South, ISE Towers 55-B, Jinnah Avenue, Islamabad, Pakistan.

... The Respondent

APPEAL UNDER SECTION 42 OF THE COMPETITION ACT, 2010 READ WITH SECTION 151 AS WELL AS ALL OTHER ENABLING PROVISIONS OF THE CPC AGAINST THE ORDER OF THE RESPONDENT DATED 17.03.2015.

It is respectfully submitted as under:

1. That a Three member bench of Respondent passed the Order dated 17.03.2015 (the "Impugned Order") in respect of Show Cause Notice of the Respondent bearing No. 2/2014 dated 22.04.2014 (the "SCN") and the Inquiry Report of the Respondent dated 31.03.2014 (the "Enquiry Report"). The Show Cause Notice

ORDER SHEET
IN THE COMPETITION APPELLATE TRIBUNAL ISLAMABAD

Appeal Diary No. 01/2015
M/s Jotun Pakistan (Pvt.) Ltd.
Vs.

Competition Commission of Pakistan

S. No. of Order / Proceedings	Date of Order / Proceedings	Order with Signature of Chairperson and Members Technical.
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03. 01-06-2016 Barrister Sardar Muhammad Ali, Learned Counsel for the appellant

Learned Counsel for the appellant inter-alia contends that the inquiry report, show cause notice, the proceedings under the same and the impugned order, passed by the Competition Commission of Pakistan is against the law and facts of the case and therefore the same is liable to be set-aside. Learned Counsel argued that the tag line was merely a statement of opinion and not a statement of facts and it does not in any way, relates to the price, character, method or place of production and properties suitability for use or quality of the appellant's points or other products. Further contends that the appellant had nevertheless complied with all the directions of the Competition Commission of Pakistan and removed the tag line from all advertisements nationwide as per its commitment, except one distributor which was beyond the control and reach of the appellant, yet the appellant was burdened with the token penalty of Rupees One Million. Points raised need consideration. Admit. Notice and Record.

2/11

During hearing of appeal at this stage it was pointed out to the learned Counsel for the appellant that since M/s Diamond Industry and M/s Akzo Nobel Pakistan Limited were the complainants before the Competition Commission of Pakistan and all proceedings were initiated on their complaint, whether these two companies were not necessary parties to be

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REGISTRAR
Competition Appellate Tribunal
Government of Pakistan
Islamabad

MD 09-06-16

S. No. of Order / Proceedings	Date of Order / Proceedings	Order with Signature of Chairperson and Members Technical.
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impleaded in the memo of appeal, the Learned Counsel submits that he will consider this aspect of the matter as to whether they are necessary party or other wise and would accordingly apprise this Tribunal of the legal position on the next date of hearing.

C.M NO.1/2016 IN APPEAL DIARY NO.01/2015

This application has been filed for seeking dispensation of requirement to file certain attested copies of annexures. This application is allowed to the extent that certified copy of the annexures are allowed to be dispensed with except attested copy of the impugned order dated 17-03-2015.

C.M NO.2/2016 IN APPEAL DIARY NO.01/2015

This application has been filed for seeking interim relief. It has been prayed in the application that the impugned order may be suspended/stayed till the final decision of the appeal and the respondents be directed to refrain from taking coercive steps against the petitioner. Since we have admitted this appeal for regular hearing, therefore, would suspend the operation of the impugned order till the decision of the appeal.


Justice (R)
Mian Fasih-ul-Mulk
Chairperson


Justice (R) Miftah-ud-Din
Member Technical


Ahmed Owais Pirzada
Member Technical

Application No	23
Dated	09-06-2016
Applicant	Adnan Saeed Malik
No. of Pages	03
Copying Fee	180
Search Fee	-
Urgent Fee	-
Total Fee	180
Date of Preparation of Copy	09-06-2016
Date of Delivery	15-06-2016
Prepared by	M. Noman Shah

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REGISTRAR
Competition Appellate Tribunal
Government of Pakistan
Islamabad
M.A. Q. H.

BEFORE THE COMPETITION APPELLATE TRIBUNAL, ISLAMABAD.

Appeal No.: **08 16** /2015

1. M/s. Jotun Pakistan (Pvt.) Limited, a company incorporated under the applicable laws of Pakistan having its registered office at 2 K.M. Defence Road, Off 9 K.M. Raiwind Road, Lahore, acting through its duly authorized representative/Company Secretary Mr. Mohammad Mansoor Ali Zaidi, resident of 169, DHA, Phase IV, Block CC, Lahore Cantt., Lahore holding CNIC No. 36302-0347858-5;

... The Appellant

Versus

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... The Respondent

APPEAL UNDER SECTION 42 OF THE COMPETITION ACT, 2010 READ WITH SECTION 151 AS WELL AS ALL OTHER ENABLING PROVISIONS OF THE CPC AGAINST THE ORDER OF THE RESPONDENT DATED 17.03.2015.

CERTIFIED TO BE A TRUE COPY
REGISTRAR
Competition Appellate Tribunal
Islamabad
Dated: 25/11/2016
M.N

It is respectfully submitted as under:

1. That a Three member bench of Respondent passed the Order dated 17.03.2015 (the "Impugned Order") in respect of Show Cause Notice of the Respondent bearing No. 2/2014 dated 22.04.2014 (the "SCN") and the Inquiry Report of the Respondent dated 31.03.2014 (the "Enquiry Report"). The Show Cause Notice

S. No. of
Order /
Proceedings

Date of
Order /
Proceedings

Order with Signature of Chairperson and Members Technical

04.

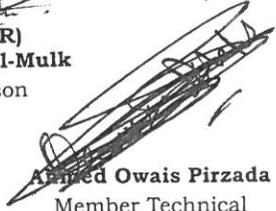
19-10-2016

Nemo for the appellant.
Mr. Adnan Saeed Senior JD for respondent.

Learned Counsel for the appellant has submitted an application for adjournment on the ground that he has to appear before the Courts at Lahore in connection with his professional engagements and therefore is unable to appear before this Tribunal. This appeal is adjourned to a date in office. Further it should be mentioned in the notice that the Learned Counsel must ensure his presence on the next date of hearing so that this appeal be heard and disposed of accordingly.


Justice (R)
Mian Fasih-ul-Mulk
Chairperson


Justice (R) Miftah-ud-Din
Member Technical


Ahmed Owais Pirzada
Member Technical

05.

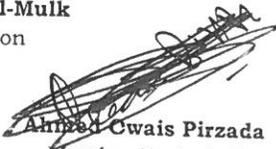
23-11-2016

Nemo for the appellant.
Mr. Noaman Amin Farooqi, Advocate along with Mr. Adnan Saeed Senior JD for respondent.

Learned Counsel for the appellant has submitted an application for adjournment on the ground that he has to appear before the Courts at Lahore in connection with his professional engagements and therefore is unable to appear before this Tribunal. Learned Counsel for the respondent states that this is the third adjournment sought by the appellant counsel on the same very ground that he is busy in other Courts. This application is allowed however it should be treated as last adjournment and the Learned Counsel for the appellant be directed to appear and assist this Tribunal on the next date of hearing positively.


Justice (R)
Mian Fasih-ul-Mulk
Chairperson


Justice (R) Miftah-ud-Din
Member Technical


Ahmed Owais Pirzada
Member Technical

Application No.	79
Dated	25-11-2016
Applicant	Adnan Saeed Malik
No. of Pages	02
Copy Fee	250
Search Fee	
Stamp Fee	
Total	250/-
Date of Preparation of Copy	25-11-16
Date of Delivery	30-11-16
Prepared by	M. Noaman

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REGISTRAR
Competition Appellate Tribunal
Islamabad
Dated: 28-11-2016