

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. 368 /Reg./CAT/2025

Dated: 22-05-2025

In re:

NOTICE

APPEAL NO. 13/2022 TO APPEAL NO. 84/2022

Take notice that under rule 51 of the Competition Appellate Tribunal Rules, 2015, attested copies of the order dated **21-05-2025** is enclosed for information and record.

2. Given under my hand and stamp of the Tribunal, this 22nd day of May, 2025.

(MUSTAJAB ALAM KHAN)

Registrar
Competition Appellate Tribunal
Government of Pakistan
Islamabad

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



ORDER SHEET
IN THE COMPETITION APPELLATE TRIBUNAL,
ISLAMABAD

- 1) Chaudhry Sugar Mills, appeal No. 13 of 2022.
- 2) JK Sugar Mills (Pvt) Ltd, appeal No. 14 of 2022.
- 3) Deharki Sugar Mills, appeal No. 15 of 2022.
- 4) Al-Arabia Sugar Mills Ltd, appeal No. 16 of 2022.
- 5) Adam Sugar Mills Ltd, appeal No. 17 of 2022.
- 6) Ashraf Sugar Mills Ltd, appeal No. 18 of 2022.
- 7) Channar Sugar Mills Ltd, appeal No. 19 of 2022.
- 8) Etihad Sugar Mills Ltd, appeal No. 20 of 2022.
- 9) Fatima Sugar Mills Ltd, appeal No. 21 of 2022.
- 10) Darya Khan Sugar Mill Ltd, appeal No. 22 of 2022.
- 11) Hamza Sugar Mill Ltd, appeal No. 23 of 2022.
- 12) Ittefaq Sugar Mill Ltd, appeal No. 24 of 2022.
- 13) Rasool Nawaz Sugar Mill, appeal No. 25 of 2022.
- 14) Kashmir Sugar Mill Ltd, appeal No. 26 of 2022.
- 15) Patto Ki Sugar Mill Ltd, appeal No. 27 of 2022.
- 16) Ramzan Sugar Mill Ltd, appeal No. 28 of 2022.
- 17) Tandianwala Sugar Mill Ltd, appeal No. 29 of 2022.
- 18) Johraabad Sugar Mill Ltd, appeal No. 30 of 2022.
- 19) Papolar Sugar Mill Ltd, appeal No. 31 of 2022.
- 20) Pakistan Sugar Mill Association, appeal No. 32 of 2022.
- 21) Mirpur Khas Sugar Mill Ltd, appeal No. 33 of 2022.
- 22) Sindh Abadgars Sugar Mills Ltd, appeal No. 34 of 2022.
- 23) SGM Sugar Mill Ltd, appeal No. 35 of 2022.
- 24) Sakrand Sugar Mill Ltd, appeal No. 36 of 2022.
- 25) Al Abbas Sugar Mill Ltd, appeal No. 37 of 2022.
- 26) Al Noor Sugar Mill Ltd, appeal No. 38 of 2022.
- 27) Army Welfare Sugar Mill Ltd, appeal No. 39 of 2022.
- 28) Digri Sugar Mill Ltd, appeal No. 40 of 2022.
- 29) Faran Sugar Mill Ltd, appeal No. 41 of 2022.
- 30) Habib Sugar Mill Ltd, appeal No. 42 of 2022.
- 31) Khairpur Sugar Mill Ltd, appeal No. 43 of 2022.
- 32) Matiari Sugar Mill Ltd, appeal No. 44 of 2022.
- 33) Ranipur Sugar Mill Ltd, appeal No. 45 of 2022.
- 34) Sanghar Sugar Mill Ltd, appeal No. 46 of 2022.
- 35) Shahmurad Sugar Mill Ltd, appeal No. 47 of 2022.
- 36) New Dadu Sugar Mill Ltd, appeal No. 48 of 2022.
- 37) Ansari Sugar Mill Ltd, appeal No. 49 of 2022.
- 38) Khoski Sugar Mill Ltd, appeal No. 50 of 2022.
- 39) Naudero Sugar Mill Ltd, appeal No. 51 of 2022.
- 40) Larr Sugar Mill Ltd, appeal No. 52 of 2022.
- 41) Mehran Sugar Mill Ltd, appeal No. 53 of 2022.
- 42) Bawany Sugar Mill Ltd, appeal No. 54 of 2022.
- 43) JDW Sugar Mill Ltd, (Unit#1), appeal No. 55 of 2022.
- 44) JDW Sugar Mill Ltd, (Unit#2), appeal No. 56 of 2022.
- 45) JDW Sugar Mill Ltd, (Unit#3), appeal No. 57 of 2022.
- 46) RYK Sugar Mill Ltd, appeal No. 58 of 2022.
- 47) S.W Sugar Mill Ltd, appeal No. 59 of 2022.
- 48) Indus Sugar Mill Ltd, appeal No. 60 of 2022.
- 49) Sheikho Sugar Mill Ltd, appeal No. 61 of 2022.
- 50) The Thal Industries Corporation Ltd, appeal No. 62 of 2022.
- 51) Noon Sugar Mill Ltd, appeal No. 63 of 2022.
- 52) Al Moiz Industries Ltd (Unit#1), appeal No. 64 of 2022.
- 53) Al-Moiz Industries Ltd (Unit#2), appeal No. 65 of 2022.
- 54) The Thai Industries Corporation Ltd, appeal No. 66 of 2022.
- 55) Baba Fareed Sugar Mill Ltd, appeal No. 67 of 2022.
- 56) Madina Sugar Mill Ltd, appeal No. 68 of 2022.
- 57) Hunza Sugar Mill Pvt Ltd (Unit#1), appeal No. 69 of 2022.



- 58) Hunza Sugar Mill Pvt Ltd (Unit#2), appeal No. 70 of 2022.
 59) Hussain Sugar Mill Ltd, appeal No. 71 of 2022.
 60) M/s Haseeb Waqas Sugar Mill Ltd, appeal No. 72 of 2022.
 61) M/s Abdullah Sugar Mill Ltd, appeal No. 73 of 2022.
 62) Chashma Sugar Mill Ltd, (Chashma-1) appeal No. 74 of 2022.
 63) Chashma Sugar Mill Ltd, (Chashma-2) appeal No. 75 of 2022.
 64) M/s Khazana Sugar Mill Ltd, appeal No. 76 of 2022.
 65) M/s Primer Sugar Mill & Distillery Co Ltd, appeal No. 77 of 2022.
 66) Shakarganj Ltd (Unit#1), appeal No. 78 of 2022.
 67) Shakarganj Ltd (Unit#2), appeal No. 79 of 2022.
 68) Imperial Ltd, appeal No. 80 of 2022.
 69) M/s Shahtaj Sugar Mill Ltd, appeal No. 81 of 2022.
 70) M/s Abdullah Shah Ghazi, appeal No. 82 of 2022.
 71) M/s Haq Bahu Sugar Mill Ltd, appeal No. 83 of 2022.
 72) M/s Macca Sugar Mill Ltd, appeal No. 84 of 2022.

Versus

Competition Commission of Pakistan

Sr.No. of order / Proceedings	Date of order / Proceeding	Order with signature of Chairperson and Members Technical and that of Parties' counsel, where necessary
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14

21.05.2025

Ch. Ali Abbas Advocate on behalf of Mr. Ali Sibtain Fazli Advocate, counsel for the appellants in Appeals Nos. 69, 70, 72 & 73 of 2022.
 Mr. Sajjad Zaidi, Advocate, for the appellant in Appeal No. 13/2022.
 Mr. Hamza Azmat Khan, Advocate, on behalf of the appellants in Appeals Nos. 14 to 31 of 2022.
 Mr. Mamoon M. Chaudhary, Mr. Aslam and Nasir Mehmood, Advocate, on behalf of the appellants in Appeals Nos. 32 to 54 of 2022.
 Mr. Shehzad A Elahi and Mussadiq Islam, Advocate, on behalf of the appellant in Appeals No. 55 to 67 of 2022.
 Mr. Umer Ejaz Gillani, Advocate, on behalf of the learned Counsel for the appellant in Appeal No. 68 of 2022.
 Mr. Hanan Qasim, Advocate, on behalf of Mr. Saad Rasool, Advocate, Counsel for the appellant in Appeal No. 71/2022.
 Nemo for the appellant in Appeals Nos. 74, 75, 76 & 77 of 2022.
 Mr. Shehryar Kasuri, Advocate, for the appellants in Appeal Nos. 78 to 80 of 2022.
 Nemo for the appellant in Appeals Nos 81 to 84 of 2022.
 Mr. Faisal Siddiqui, Advocate, for CCP in Appeal Nos. 32 to 54, 82 and 83
 Mr. Shamail Arif, Advocate, on behalf of Mr. Muhammad Ahmed Qayum, Advocate, for CCP



in Appeal Nos. 15, 55, 56, 57, 69, 70 and 81 of 2022.

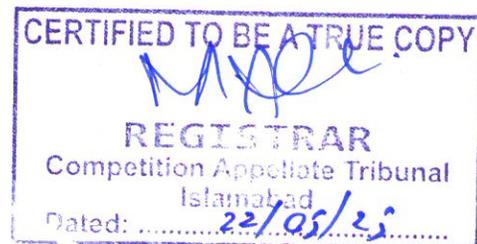
Hafiz Naeem, Haider Afzal Khan, Hassan Raza and Miss. Ayesha Saleem, legal advisors for the CCP/respondent in rest of appeals.

ORDER

Since all these appeals have been filed against a common order of the Commission and contain common question of fact and law therefore we have decided to take them together and intend to decide through a common order.

2. We have heard the learned Counsel for the respected parties on a preliminary issue which goes to the root of the dispute i.e. "As to whether the Chairperson can exercise his right of casting vote as conferred under Sub Section 5 of Section 24 of the Act 2010 in a case where the members are evenly divided in their opinion in a quasi-judicial proceeding."

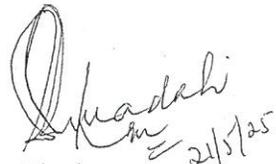
3. The instant cases were heard by a learned bench of the Commission comprising of four members, including the Chairperson. The members of the Commission were evenly divided in their opinion. Consequently, two separate opinions were handed down. The first one is dated 06.8.2021 by two members (one of them happens to be the Chairperson) and second one is dated 12.08.2021 by another two members giving rise to a stale mate. The Chairperson in such situation vide her note dated 13.08.2021



exercised her right of casting vote turning an evenly divided opinion into opinion of majority.

4. All present stated that in case this Tribunal comes to the conclusion that the Chairperson had no right of casting vote in a quasi-judicial proceeding the judgement could not be sustained and consequently on this issue matter may be heard. None disputes that the right of casting vote was exercised by the Chairperson in quasi-judicial proceedings.

5. After hearing the matter at length for the reason to be recorded subsequently we are of the opinion that Chairperson had no right of casting vote in quasi-judicial proceedings. Consequently, we set aside her opinion dated 13-08-2021 through which the right of casting vote was exercised and remand the matter to the Commission with the directions that either the Chairperson or any other member who is not a signatory to either of the opinions to hear the appellants and to decide these matters preferably within a period of ninety days.


Chairperson


Member Technical-I


Member Technical- II

