



File No: 2(611)/AGR/EXM/CCP/2020
COMPETITION COMMISSION OF PAKISTAN
GOVERNMENT OF PAKISTAN

7th Floor, ISE Towers,
55 – B, Jinnah Avenue,
Islamabad.
Tel: 92-051-9100283
Fax: 92-051-9100297

EXEMPTION CERTIFICATE

In pursuance of the powers conferred by Section 5 read with Section 9 of the Competition Act, 2010 (the Act), the Competition Commission of Pakistan (the Commission) hereby grants exemption from the application of Section 4 of the Act, details whereof are given here below:-

DETAILS OF THE AGREEMENT

First Party: Governor of Sindh (through Secretary Energy, Energy Department, Government of Sindh (the 'GoS'))

Second Party: M/s. Sino Sindh Resources (Pvt.) Limited (the 'Company')
Business address: 20/1, 21st Street, Khayaban-e-Tanzeem, Phase –V, D.H.A., Karachi.

Type of agreement: Implementation Agreement (IA)

Date entered into: December 1st 2016

Validity Period: This Agreement will expire alongside the term of the Mining Lease and shall automatically extend with any extension(s) in or renewal(s) of the Mining Lease with the mutual consent of the Parties

DETAILS OF THE EXEMPTION

Exemption granted to: Exclusivity clause(s) of the Agreement

Granted until: 30-11-2025

Condition(s):

1. **This Applicant shall not be involved directly or indirectly in any abusive practice (s) and/or conduct(s), as envisaged under Section 3 of the Competition Act, 2020, including but not limited to:**
 - i. **Unfair trading conditions**
 - ii. **Tie ins**
 - iii. **Boycotting and**
 - iv. **Exclusionary conduct**
2. **The grant of Exemption is only limited to design, develop, finance, construct and operate a 7.8 MPTA (expandable to approximately [25] MPTA) Thar coal-based mining project located at Thar Coal Block-1, District Tharparkar, Sindh, Pakistan as contained within the Implementation Agreement.**
3. **The Applicant shall intimate the termination of the agreement to the Commission, once occurred:**
4. **This Exemption is for the specific purpose of business as provided within Recital part of the Implementation Agreement.**
5. **The grant of Exemption is limited to the territory of Pakistan;**





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6. The Applicant shall provide copy(s) of any other agreement(s) apart from IA, once executed;
7. The Applicant shall intimate to the Commission in case of any amendment(s) made to the IA;
8. The Commission reserves the right to impose any condition(s) at the time of considering extension, if any; and
9. Breach of a condition shall have the effect of cancellation of the exemption.

Without prejudice to the generality of Section 6 of the Act, the grantee of the exemption shall inform the Commission forthwith and seek clearance for continuation of the exemption if there is any material change, *inter alia*, in: (i) the terms of the agreement; (ii) the market share of the parties to the agreement; or (iii) the circumstances in the market in which the parties are operating.

Granted on this the 30th day of November 2020 at Islamabad.



Registrar
Syed Umair Javed
Registrar
Competition Commission of Pakistan
Government of Pakistan
Islamabad

Original Issued

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