



BEFORE THE
COMPETITION COMMISSION OF PAKISTAN

FIRST PHASE REVIEW

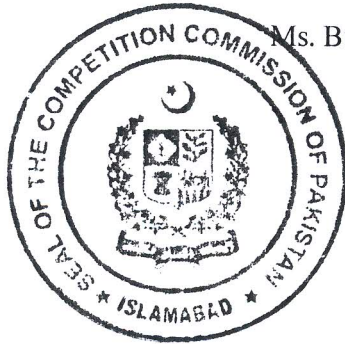
IN THE MATTER OF ACQUISITION OF 10% SHAREHOLDING IN M/S. ACT2
WIND (PRIVATE) LIMITED BY MR. AHMED MUHAMMAD FROM MR. ASAD
IQBAL

CASE: 1102/Merger-CCP/20

Commission

Ms. Shaista Bano Gilani
Acting Chairperson

Ms. Bushra Naz Malik
Member



ORDER

1. On 28^h May 2020 the Competition Commission of Pakistan ("**Commission**") received a pre-merger application ("**Application**") for post-transaction clearance pursuant to Section 11 of the Competition Act, 2010 ("**Act**") read with Regulation 6 of the Competition (Merger Control) Regulations, 2016 ("**Merger Regulations**") from M/s. Act2 Wind (Private) Limited ("**Applicant**" or "**Target**") with regards to an acquisition of % shareholding in the Target from an individual seller Mr. Asad Iqbal ("**Seller**") by Mr. Ahmed Muhammad ("**Acquirer**"). All the requisite information/documentation pertaining to the application was completed by the applicant on 1st June 2020.
2. The Commission has examined the Application as well as all the documents attached therewith, the market scenario, and its observations on the basis of independent research/investigation in the relevant market. The Phase I competition assessment of the transaction has resulted in the following findings:
 - i. The business activities of the undertakings concerned are:
 - a. For the Acquirer: An individual.
 - b. For the Seller: An individual.
 - c. For the Target: Wind Power Generation.
 - ii. As per the application, the Acquirer has already acquired () shares constituting % of the issued and paid-up share capital of the Target from the Seller on October 1, 2019 for the value of PKR /-. The reason for not filing a pre-merger application with the Commission was an inadvertent non-compliance with the law and a genuine, even if mistaken, belief that the application may not have been required.
 - iii. The Target belongs to the relevant product market of "**Renewable Energy - Wind Power Generation**" while the relevant geographic market is "**Pakistan**", excluding areas served by K-Electric. After commencing operations, the Target is likely to have an estimated market share of % in the relevant market.
 - iv. The transaction is not likely to result in the creation or strengthening of a dominant position in the relevant market. The transaction does not meet the presumption of dominance as determined under Section (2) (1) (e) read with Section 3 of the Competition Act 2010 ("**Act**").
3. In conclusion, the transaction is not likely to substantially lessen competition through the creation or strengthening of a dominant position in the relevant market. The transaction is hereby authorized under Section 31 (1) (d) (i) of the Act.
4. It is so ordered.

(Ms. Shaista Bano Gilani)
Acting Chairperson

(Ms. Bushra Naz Malik)
Member

Islamabad the JUNE 05, 2020.

