

CCP ordered to complete ICH case

By our correspondent

LAHORE: The Supreme Court of Pakistan Lahore registry ordered the Competition Commission of Pakistan (CCP) to complete the proceedings in the International Clearing House case within 30 days starting from April 1, 2013.

A two member SC bench Wednesday accepted the apology of Long Distance International (LDI) operators for filing a suit before the Sindh High Court against show cause notices of the CCP, which were served on them on the orders of the Supreme Court of Pakistan. After accepting the apology, the SC disposed of the said petition with a direction to the respondents to appear before the CCP on April 1 at 3pm.

The respondents also submitted an undertaking before the Supreme Court to immediately withdraw the suit filed before the Sindh High Court. The court noted the reservations of Khawaja Saeeduz Zafar, counsel for CCP, that the respondents should not be allowed to delay the proceedings before the CCP any further.

It may be noted that the Pakistan Telecommunication Company Limited, along with 13 other LDI service providers, applied for an exemption under Section 5 of the Act from the application of Section 4 of the Act on September 12, 2011 for the

proposed ICH Agreement that was to be concluded amongst them.

The application was withdrawn by them before the CCP could reach a decision. The LDI operators filed a request to withdraw their exemption application as they have decided to shelve the ICH agreement for the time being.

The commission, while allowing the request for withdrawal of the exemption application, unambiguously stated in its order dated February 8, 2012, if in future the applicants enter into such agreement/arrangement, notwithstanding, any authorisation obtained from any other authority such agreement/arrangement prior to its execution would require clearance from the commission, as, prima facie, it has serious competition concerns and would attract the provisions of the Competition Act, 2010.

However, the Ministry of Information and Technology issued a policy directive dated August 13, 2012 to the Pakistan Telecommunication Authority to establish the proposed ICH through the agreement of the LDI operators, which was challenged at the Lahore High Court by an aggrieved LDI operator and the order was declared illegal and its operations suspended. The SC, however, asked the CCP to decide the case in 15 days.