

**Dated: 21 May 2023**

# **Media Coverage**

**“CCP AUTHORIZED TO PROCEED WITH THREE MAJOR CASES FOLLOWING THE COURT  
DECISION”**

## 'Deceptive marketing practices'

# LHC allows CCP to proceed against 3 food companies

**RECORDER REPORT**  
**ISLAMABAD:** The Lahore High Court (LHC) has granted authorization to the Competition Commission of Pakistan (CCP) to proceed against three leading food companies involved in deceptive marketing practices.

This decision comes as a result of the court's recognition of the CCP as the primary authority responsible for addressing competition-related matters, affirming its status as the original forum for such issues.

The cases originated from enquiries initiated based on formal complaints lodged by three companies including M/s. Ismail Industries, M/s. Hilal Foods, and M/s. English Biscuit Manufacturers against M/s. SM Food Makers Limited and M/s. Volka Foods. The

complainants accused the latter parties of engaging in deceptive marketing practices, contravening section 10 of the Competition Act, 2010.

The CCP's investigation concluded that SM Foods and Volka Foods had engaged in the practice of free riding by utilizing trademarks, product labelling, and packaging of the complainants without authorization. This act of unauthorized usage, prima facie, violated Section 10 of the Act. Subsequently, CCP, relying on the findings and recommendations of the Enquiry Reports, issued Show Cause Notices to SM Food Makers Limited and Volka Foods.

Upon receiving the Show Cause Notices, SM Food Makers Limited challenged the legality of the notices

before the Lahore High Court, Multan Bench Multan. Subsequently, three separate writ petitions were filed by SM Food Makers, urging the court to nullify the Show Cause Notices.

After thorough deliberation and hearing arguments from all parties involved, the Lahore High Court, Multan Bench Multan, dismissed all the constitutional petitions and referred the matter back to the CCP, recognizing it as the original forum responsible for addressing competition-related issues. The court directed the petitioner, SM Food Makers Limited, to file a response to the Show Cause Notices within 30 days and raise all objections before the CCP.

Additionally, the court emphasized that competition laws offer a remedy through the appellate forum, which

possesses the competence to address all factual and legal disputes related to the case. Consequently, the court deemed it inappropriate to render a definitive judgment at this stage without undergoing due process.

This court ruling enables the CCP to proceed with the case and conduct hearings into the abovementioned complaints. The decision upholds the principles of fair competition and demonstrates the court's confidence in the CCP as the competent authority to determine the outcome of such cases.

As the proceedings resume, the CCP is expected to thoroughly examine the evidence and arguments presented by both sides, ultimately working towards ensuring a fair and just resolution under the competition law of Pakistan.



## CCP allowed to resume inquiries into deception cases

By Kalbe Ali

**ISLAMABAD:** The Lahore High Court's Multan bench has authorised the Competition Commission of Pakistan (CCP) to resume proceedings in three cases of deceptive marketing.

In its decision, the court recognised the commission as the primary authority to address competition-related matters, affirming its status as the original forum for such issues, the CCP said in a statement on Saturday.

The cases originated from inquiries based on formal complaints lodged by three companies — Ismail Industries, Hilal Foods, and English Biscuit Manufacturers — against S.M. Food Makers Ltd and Volka Foods.

The complainants accused S.M. Food and Volka of deceptive marketing, contravening Section 10 of the Competition Act, 2010.

Upon inquiry, the CCP found that S.M. and Volka did free riding by utilising trademarks, product labelling and packaging of the complainants without authorisation, thus violating Section 10, which defines deceptive marketing.

However, when the commission issued show-cause notices to the two companies, they the legality of the notices before the LHC's Multan bench.

bench.

Subsequently, three separate writ petitions were filed by S.M. Food Makers, urging the court to nullify the show-cause notices.

However, after hearing arguments from all parties, the high court dismissed all the constitutional petitions and referred the matter back to the CCP, recognising it as the original forum to address such issues.

The court directed the petitioner, S.M. Food Makers Ltd, to file a response to the show-cause notices within 30 days and raise all objections before the CCP.

It also emphasised that competition laws offered a remedy through the appellate forum, which was competent to address all factual and legal disputes related to the case.

Consequently, the court deemed it inappropriate to render a definitive judgement at this stage without undergoing due process.

The CCP said the court ruling had enabled it to proceed with the case and conduct hearings into the complaints.

## CCP authorised to recommence proceedings in 3 cases involving allegations of deceptive marketing practices

IMRAN ALI KUNDI  
ISLAMABAD

The Competition Commission of Pakistan (CCP) has been authorized to proceed with three major cases following the decision of Lahore High Court, Multan Bench. The Bench has granted authorization to the Competition Commission of Pakistan (CCP) to recommence proceedings in three cases involving allegations of deceptive marketing practices. This decision comes as a result of the court's recognition of the CCP as the primary authority responsible for addressing competition-related matters, affirming its status as the original forum for such issues.

The cases originated from enquiries initiated based on formal complaints lodged by three companies including M/s. Ismail Industries, M/s. Hilal Foods, and M/s. English Biscuit Manufacturers against M/s. S.M. Food Makers Limited and M/s. Volka Foods. The complainants accused the latter parties of engaging in deceptive marketing practices, contravening Section 10 of the Competition Act, 2010. The CCP's investigation concluded that SM Foods and Volka Foods had engaged in the practice of free riding by utilizing trademarks, product labelling, and packaging of the complainants without authorization. This act of unauthorized usage, prima facie, violated Section 10 of the Act. Subsequently, CCP, relying on the findings and recommendations of the enquiry reports, issued show cause notices to S.M. Food Makers Limited and Volka Foods.

Upon receiving the show cause notices, S.M. Food Makers Limited challenged the legality of the notices before the Lahore High Court, Multan Bench Multan. Subsequently, three separate writ petitions were filed by S.M. Food Makers, urging the court to nullify the show cause notices. After thorough deliberation and hearing arguments from all parties involved, the Honourable Lahore High Court, Multan Bench Multan, dismissed all the constitutional petitions and referred the matter back to the CCP, recognizing it as the original forum responsible for addressing competition-related issues. The court directed the petitioner, S.M. Food Makers Limited, to file a response to the show cause notices within 30 days and raise all objections before the CCP.

Additionally, the honourable court emphasized that competition laws offer a remedy through the appellate forum, which possesses the competence to address all factual and legal disputes related to the case. Consequently, the court deemed it inappropriate to render a definitive judgment at this stage without undergoing due process. This court ruling enables the CCP to proceed with the case and conduct hearings into the abovementioned complaints. The decision upholds the principles of fair competition and demonstrates the court's confidence in the CCP as the competent authority to determine the outcome of such cases. As the proceedings resume, the CCP is expected to thoroughly examine the evidence and arguments presented by both sides, ultimately working towards ensuring a fair and just resolution under the competition law of Pakistan.



## CCP authorized to proceed with 3 cases following court decision

### STAFF REPORTER

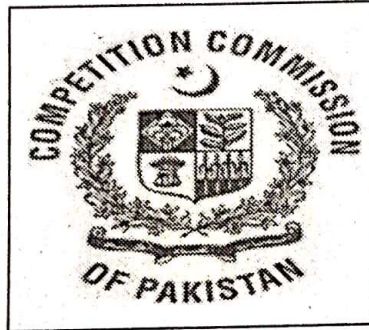
#### ISLAMABAD

The Lahore High Court, Multan Bench, has granted authorization to the Competition Commission of Pakistan (CCP) to recommence proceedings in three cases involving allegations of Deceptive Marketing Practices.

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Subsequently, three separate writ petitions were filed by S.M. Food Makers, urging the court to nullify the Show Cause Notices.

After thorough deliberation and hearing arguments from all parties involved, the Honourable Lahore High Court, Multan Bench Multan, dismissed all the constitutional petitions and referred the matter back to the CCP, recognizing it as the original forum responsible for addressing competition-related issues.

# Daily The Spokesman

RAWALPINDI

A Leading National Daily



## Bilawal condemns attack on Balochistan check-post

Chairman of Pakistan People's Party (PPP) and Foreign Minister Bilawal Bhutto Zardari has condemned an attack on a check-post of the security forces in Balochistan Saturday. He expressed his grief and sorrow over the martyrdom of three soldiers in the attack. The PPP Chairman condoled with the bereaved family members and said that his heart went out to them.



## Govt forms Justice Isa-le probe leaked au

The federal government has formed a commission to investigate the leakage of the judiciary and former chief justice's conversations had raised apprehensions. The three-member commission is headed by Justice Gazi Faez Isa while BHC Chief Justice Anwarul Haq Khan and IHC Chief Justice Anwarul Haq Khan are members.

Simultaneously published from Islamabad

1, 2023



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## CCP authorized to proceed with three major cases following the court decision

**Commerce Desk**

ISLAMABAD : The Lahore High Court, Multan Bench, has granted authorization to the Competition Commission of Pakistan (CCP) to recommence proceedings in three cases involving allegations of Deceptive Marketing Practices. This decision comes as a result of the court's recognition of the CCP as the primary authority responsible for addressing competition-related matters, affirming its status as the original forum for such issues.

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Additionally, the Honourable Court emphasized that competition laws offer a remedy through the appellate forum, which possesses the competence to address all factual and legal disputes related to the case. Consequently, the court deemed it inappropriate to render a definitive judgment at this stage without undergoing due process.

This court ruling enables the CCP to proceed with the case and conduct hearings into the abovementioned complaints. The decision upholds the principles of fair competition and demonstrates the court's confidence in the CCP as the competent authority to determine the outcome of such cases.

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# Pro Pakistani

21 May 2023 | Online

## CCP Allowed to Proceed with Inquires in Deceptive Marketing Cases By [ProPK Staff](#) | Published May 21, 2023 |



The Lahore High Court, Multan Bench, has granted authorization to the Competition Commission of Pakistan (CCP) to recommence proceedings in three cases involving allegations of Deceptive Marketing Practices.

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## لاہور ہائیکورٹ کی سی سی پی

### کو تین اہم مقدمات

### میں پیشرفت کی اجازت

اسلام آباد (سٹاف رپورٹر) لاہور ہائیکورٹ ملتان  
بنچ نے ایک اہم فیصلے میں کمپینیشن کمیشن آف پاکستان  
(سی سی پی) کو دھوکہ دہی پر مبنی تشہیر کے تین مقدمات  
میں کارروائی پھر سے شروع کرنے کی اجازت دہدی  
ہے۔ فیصلے کا اہم پہلو یہ ہے کہ عدالت نے تسلیم کیا  
ہے کہ کمپینیشن سے متعلقہ معاملات میں سی سی پی ہی  
بنیادی اتھارٹی ہے اور ایسے معاملات کمیشن کے پاس  
یعنی اصل فورم پر ہی حل ہونے چاہئیں۔ سی سی پی نے  
اسمعیل انڈسٹریز، حلال فوڈز اور انگلش بسکٹ  
مینوفیکچررز کی جانب سے باقاعدہ شکایت موصول  
ہونے پر ایس ایم فوڈز اور والکا فوڈز کے خلاف دھوکہ  
دہی پر مبنی تشہیر اور کمپینیشن ایکٹ کے سیکشن 10 کی  
خلاف ورزی پر انکوائری شروع کی تھیں۔



# Urdu Point

21 May 2023 | Online

## لاہور ہائی کورٹ کی سی سی پی کو تین اہم مقدمات میں پیش رفت کی اجازت

ملتان بنچ نے ایک اہم فیصلے میں لاہور (اُردو پوائنٹ اخبارتازہ ترین - آن لائن۔ 20 مئی 2023ء) لاہور ہائی کورٹ پاکستان (سی سی پی) کو دھوکہ دہی پر مبنی تشہیر کے تین مقدمات میں کاروائی پھر سے شروع کی۔ کمپینیشن کمیشن آف عدالت نے تسلیم کیا ہے کہ کمپینیشن سے متعلقہ معاملات کرنے کی اجازت دے دی ہے۔ فیصلے کا اہم پہلو یہ ہے کہ میں سی سی پی ہی بنیادی اتھارٹی ہے اور ایسے معاملات کمیشن کے پاس یعنی اصل فورم پر ہی حل ہونے چاہئیں۔ سی سی پی نے اسمعیل انڈسٹریز، حلال فوڈز اور انگلش بسکٹ مینوفیکچررز کی جانب سے باقاعدہ شکایت موصول ہونے پر ایس ایم فوڈز اور والکا فوڈز کے خلاف دھوکہ دہی پر مبنی تشہیر اور کمپینیشن ایکٹ کے سیکشن 10 کی خلاف ورزی پر انکوائریز شروع کی تھیں۔ اور سی سی پی کی تحقیقات سے یہ بات سامنے آئی تھی کہ ایس ایم فوڈز اور والکا فوڈز بادی النظر میں شکایت کنندگان کی کمپنیز کے ٹریڈ مارک، پرائیکٹ لیننگ اور پیکجنگ کی بلا اجازت دھوکہ دہی سے استعمال میں ملوث رہے جو کہ ایکٹ کے سیکشن 10 کی خلاف ورزی ہے۔

انکوائری کمیٹی کی سفارشات پر ایس ایم فوڈز اور والکا فوڈز کو شو کاز نوٹس جاری کیا گیا تھا۔ شو کاز نوٹس کی ملتان بنچ میں ان نوٹس کی قانونی حیثیت کو چیلنج کر دیا اور بعد لاہور ہائی کورٹ وصولی پر ایس ایم فوڈز لمیٹڈ نے کورٹ میں دائر کرتے ہوئے ان شو کاز نوٹسز کو کالعدم قرار دینے کی درخواست میں تین مزید رٹ پٹیشن ملتان بنچ نے متعلقہ پارٹیز کے دلائل سننے کے بعد تمام آئینی پٹیشنز کو برطرف کرتے ہوئے لاہور ہائی کورٹ کی۔ اس معاملے کو واپس سی سی پی کے پاس بھیج دیا ہے۔

کورٹ نے ایس ایم فوڈز کو 30 دن کے اندر شو کاز نوٹسز کا جواب دینے کا کہا ہے اور یہ بھی کہا ہے کہ آپ اپنے عدالت نے یہ زور دیا کہ کمپینیشن قانون میں ایسے اعتراضات تمام اعتراضات سی سی پی کے سامنے پیش کریں۔ کے حل کے لئے کمپینیشن ایپیلیٹ ٹریبونل سے رجوع کیا جا سکتا ہے جس کے پاس یہ قابلیت ہے کہ وہ کسی کیس سے متعلق تمام قانونی جھگڑوں پر فیصلہ دے۔

کار پر پوری طرح عمل بھی نہیں ہوا، کسی قسم کا حتمی فیصلہ دینا غیر مناسب عدالت اس موقع پر، جبکہ طریقہ سمجھتی ہے۔ اس عدالتی فیصلے سے سی سی پی اس کیس پر مزید کاروائی کے قابل ہو گیا ہے اور اس فیصلے عدالت کے اس اعتماد کی بھی عکاسی کی ہے کہ سی سی پی ہی وہ قابل اختیار اتھارٹی ہے جو کہ اس طرح کے کیسز کا فیصلہ کر سکتی ہے۔ اب سی سی پی کاروائی کے آغاز کے بعد دونوں طرف کے شواہد اور دلائل کا جائزہ لینے کے بعد اس کیس پر کمپینیشن قانون کے مطابق منصفانہ فیصلہ جاری کر سکے گا۔