

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

**Suit No.975 OF 2017**

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DATE            ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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- 1.For hearing of CMA No.6018/2017
- 2.For hearing of CMA No.6012/2017

10-05-2017

M/s.Muneer A. Malik and Basil Nabi Malik, Advocates  
for the Plaintiffs.

Mr.Abdul Qadir Leghari, Assistant Attorney General.

Mr.Kashif Nazeer, Advocate for defendant No.3

Mr.Ahmed Sheraz, Advocate for defendant No.2 (National  
Tariff Commission).

Mr.Salman Zaheer Khan, Advocate for the  
Applicant/Intervener.

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In this case in fact no preliminary determination has been passed, but the plaintiffs have challenged the initiation of investigation against the alleged dumping of one side coated duplex board – Grey back into Pakistan originating in and/or exported from China, Indonesia and Korea.

Learned counsel for the plaintiffs pointed out the order passed by the apex court on 6.4.2017 in Civil Petition No.1262-L to 1265-L of 2016 in which also same proceedings were initiated by the defendants and the order was challenged in the Lahore High Court. The order passed by the Lahore High Court was challenged in the apex court and the apex court in paragraph 3 held as under:-

“3. Heard. We find that the point raised has been properly taken care of by the learned High Court in the impugned judgment. Even otherwise the initiation of proceedings is protected under the de facto doctrine as has been held in numerous judgments of this Court. The Commission which has been constituted now shall examine the

initiation of the proceedings in question if those are found to be valid it may continue with them otherwise those proceedings can always be withdrawn by the Commission. In the light of the above, we do not find any merits in these petitions, which are accordingly dismissed”.

Learned counsel for the defendant No.2 agrees that in terms of this order the suit may be disposed of. Mr.Muneer A. Malik, Advocate for the plaintiffs has no objection. However, he added that the Commission in terms of the hon’ble Supreme Court’s Order shall pass speaking order on which learned counsel for the defendant No.2 undertakes that in compliance of the order of the hon’ble Supreme Court the National Tariff Commission (defendant No.2) will pass speaking order. Till passing of speaking order by the defendant No.2, no coercive action shall be taken against the plaintiffs. The suit is disposed of along with pending applications in the above terms.

Judge

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