

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-1421 of 2019

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

M/s Fismillah Industry & othersPetitioners

Versus

Federation of Pakistan & othersRespondents

Date of hearing 08.03.2019

Mr. Adeel Awan advocate for the petitioners.

Mr. Waqas Amir advocate for the National Tariff Commission

Mr. Ishrat Zahid Alvi, Assistant Attorney General.

Muhammad Ali Mazhar, J: The case of the petitioners was that they filed appeal against the final determination before the Anti-Dumping Appellate Tribunal but it was not functional and since the respondent No.2 was taking some coercive action, therefore, they filed this petition and on 01.03.2019 the matter was fixed before us when we issued notice and in the meanwhile we directed that no coercive action shall be taken against the petitioners by the respondent No.2.

2. Today learned counsel for the respondent No.2 submits that the Tribunal has become functional and today we have already disposed of three petitions based on the similar controversy and grounds i.e. C.P. No.D-8791, 8792 & 8920 of 2018. He further submits that the appeals filed by the

petitioners before the Anti-Dumping Appellate Tribunal are time barred as the final determination came in the month of January, 2017.

3. On the contrary, learned counsel for the petitioners submits that as and when the final determination came in the knowledge of the petitioners they filed appeal before the Tribunal.

4. Be that as it may, the appeal is time barred or not this question is to be decided by the Anti-Dumping Appellate Tribunal and we do not want to comment on it, however, we dispose of this petition with pending application with the directions to the learned Anti-Dumping Appellate Tribunal to dispose of the appeal of the petitioners preferably within a period of 15 days where the respondent No.2 may also raise the issue of limitation if they are of the view that appeals are time barred, however, till decision of the appeal no coercive action shall be taken against the petitioners.

JUDGE

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