

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Agha Faisal.

C.P. No.D-8791 of 2018

M/s. Dollar Industries Pvt. Limited.....Petitioner
Versus

National Tariff Commission & othersRespondents

C.P. No.D-8792 of 2018

M/s. Real Enterprises.....Petitioner
Versus

National Tariff Commission & othersRespondents

&

C.P. No.D-8920 of 2018

Brothers Pen Company.....Petitioner
Versus

National Tariff Commission & othersRespondents

Date of hearing 08.03.2019

Mr. Altamash Arab advocate for the petitioners.

Mr. Waqas Amir advocate for the National Tariff Commission.

Mr. Ghulam Shabbir Babar advocate for the respondent No.3

Mr. Ishrat Alvi, Assistant Attorney General.

Muhammad Ali Mazhar, J: It is an admitted position that in all these petitions the petitioners have already challenged the final determination issued by National Tariff Commission before the Anti-Dumping Appellate Tribunal and since the

Tribunal was not functional, therefore, the petitioners had approached this court so that some directions may be issued not to take any coercive action during pendency of their appeals.

2. Today learned counsel for the respondent No.1 and 3 have placed on record a notification dated 24.12.2018 issued by Section Officer, Law & Justice Division, Government of Pakistan to show that the Tribunal was made functional with effect from 10.12.2018 for a period of three months or till appointments of regular incumbents whichever is earlier. He further submits that the Tribunal is functional, therefore, these petitions may be disposed of.

3. On the contrary, learned counsel for the petitioners argued that the notification placed by the learned counsel for the respondent No.1 & 3 itself showing that the last extension was accorded to the members to hold the Tribunal for a period of three months which will expire after two days. In response, learned counsel for the respondent No.1 again made much emphasis that the notification will be re-issued and the members will be again appointed to function as Appellate Tribunal. They again insisted that the petitioners may be directed to take recourse from their Appellate Forum rather than continuing these petitions. The learned counsel for the respondent No.1 submits that it is the routine matter that whenever earlier notification of the Tribunal expires within two weeks normally the new notification comes to make the Tribunal functional.

4. As a result of above discussion, the Anti-Dumping Appellate Tribunal may decide the appeals of the petitioners preferably within a period of 15 (fifteen) days from the date of appointment of the learned Chairman and learned Members. Till decision of appeals the respondent No.1 shall not take any coercive action against the petitioners.

JUDGE

JUDGE

Aadil Arab