

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No.D-1946 of 2019
C.P.No.D-1959 of 2019
C.P.No.D-1998 of 2019
&
C.P.No.D-2104 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGES

Before:

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Agha Faisal

- (1) **M/s.Imran Trading Company & others.**
(2) **M/s.Spirit Industries (Pvt.) Limited.**
(3) **M/s.Dawn Convertec SMC-Private Limited.**
(4) **M/s.Khairullah Paper & Board
Works (Pvt) Ltd. & others.....Petitioners**

Versus

Federation of Pakistan

& others.....Respondents

29.03.2019

Mr.Muhammad Adeel Awan, Advocate for the Petitioners
in C.P.No.D-1946 of 2019

Mr.Darvesh K. Mandhan, Advocate for the Petitioners in
C.P.Nos.D-1959 of 2019.

Mr.Basil Nabi Malik, Advocate for the Petitioners in
C.P.Nos.D-1998 and 2104 of 2019.

Mr.Kafeel Ahmed Abbasi, D.A.G.

M/s.Salahuddin Chandio and Sikandar Ayoub
Khaskheli, Advocates for the Respondent No.2 (National
Tariff Commission)

Mr.Ali Muhammad Shah, Director, National Tariff
Commission, Government of Pakistan, Islamabad
present in person.

Muhammad Ali Mazhar,J: In all aforesaid petitions the
petitioners have prayed for restraining order against the
respondent (National Tariff Commission) not to take any
coercive action till the pendency of their appeals before the
Anti-Dumping Appellate Tribunal. The petitioners have also
took the plea that since the Anti-Dumping Appellate Tribunal
was not functional, therefore, they have approached this
court for some restraining order, so that the National Tariff

Commission during pendency of their appeals may not take any coercive action.

2. Mr.Ghulam Murtaza, Advocate undertakes to file Vakalatnama for Chief Collector of Customs (South), MCC-Appraisements. Customs House Karachi.

3. Today, Mr.Ali Muhammad Shah, Director, National Tariff Commission, Government of Pakistan, Islamabad has submitted a Notification dated 25.3.2019 issued by Law and Justice Division, Government of Pakistan, whereby an additional charge has been entrusted to hold the Anti-Dumping Appellate Tribunal, Islamabad to Mr.Justice (retired) Mian Fasih-ul-Mulk, learned Chairman, Competition Appellate Tribunal, Islamabad and Mr.Ahmad Owais Pirzada, learned Member, Competition Appellate Tribunal, Islamabad with effect from 12.03.2019 for a period of 03 months or till appointment of regular incumbents, whichever is earlier.

4. The Director, National Tariff Commission and their counsel submit that since the Tribunal has become functional, therefore, the petitioners may pursue their appeals before Anti-Dumping Appellate Tribunal. Learned counsel for the petitioners agree to pursue their appeals, but they requests that during pendency of their appeals the National Tariff Commission may not take any coercive action against them.

5. In view of the above, the aforesaid petitions are disposed of with the directions to the learned Anti-Dumping Appellate Tribunal to decide the pending appeals of the petitioners preferably within a period of 30 working days and during such period no coercive action shall be taken by the National Tariff Commission against the petitioners. The pending applications are also disposed of.

Judge

Judge

