

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Date	Order with signature of Judge
------	-------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

C.P. No.D-8860 of 2018

M/s. Oro Industries.....Petitioner

Versus

National Tariff Commission & othersRespondents

C.P. No.D-8861 of 2018

Sultan & Co.....Petitioner

Versus

National Tariff Commission & othersRespondents

C.P. No.D-2414 of 2019

Perfect Craft (SMC-Private) Limited.....Petitioner

Versus

National Tariff Commission & othersRespondents

&

C.P. No.D-2543 of 2019

S.A.A Industries (Private) Limited & others.....Petitioners

Versus

National Tariff Commission & othersRespondents

Date of hearing 18.04.2019

Mr. Muhammad Rehan Thahim advocate for the petitioners.

Mr. Ahmed Sheraz advocate for the respondent No.1

Muhammad Ali Mazhar, J: Mr. Ahmed Sheraz advocate has filed vakalatnama for National Tariff Commission in C.P. Nos.D-8860, 8861 of 2018, 2414 of 2019 and he undertakes to file vakalatnama for respondent No.1 in C.P. No.D-2543 of 2019 in the office within two (02) days. Mr. Saifullah Khan advocate undertakes to file vakalatnama for respondent No.3 in C.P. No.D-2543 of 2019 in office within two (02) days. None present for other private respondents in aforesaid petitions.

2. In all aforesaid C.Ps admittedly appeals filed by the petitioners are pending before the Anti-Dumping Appellate Tribunal at Islamabad. According to the petitioners' counsel the reasons for filing these petitions in this court was to save them from some coercive action as despite filing their appeals, the Anti-Dumping Appellate Tribunal was not functional so there was no equally, efficacious and adequate remedy available to them except writ.

3. Learned counsel for the respondent No.1 submits that now the Tribunal has become functional and the appeals are being fixed for hearing regularly.

4. Under Section 70 of Anti-Dumping Duties Act, 2015 detailed procedure is provided for hearing of appeals by the learned Appellate Tribunal. Under sub-Section (3) it is clearly provided that Appellate Tribunal shall handle such an appeal as a priority and shall issue its decision on the appeal within thirty days of the filing of an appeal with the Appellate Tribunal. This time limit is provided under the statute for deciding the appeal against preliminary determination. Whereas, under sub-section (4) it is provided that all appeals against final decision or determination or termination of investigation by the Commission shall be in such form and contain such information as may be prescribed. Whereas, in sub-section (5) it is further provided that such appeal shall be disposed of and the decision of the Appellate Tribunal pronounced, as expeditiously as possible as but not later

than forty five days from the date of receipt of an appeal. Sub-section (6) contains that the Appellate Tribunal shall hear the appeal from day to day. Learned counsel for the petitioners again expressed his anxiety that though the Tribunal has become functional but unless some directions are issued, there is no possibility that the appeals of the petitioners will be heard expeditiously for its decision.

5. As a result of above discussion, these petitions are disposed of along with pending applications with the directions to the learned Anti-Dumping Appellate Tribunal to decide the pending appeals of the petitioners preferably within a period of thirty (30) days. In the meanwhile the stay applications filed by the petitioners in their appeals may be heard within ten (10) days by the Tribunal. At this juncture, learned counsel for the respondent No.1 submits that after final determination and filing of an appeal by the aggrieved person the role of the respondent No.1 is over under the law and they cannot take any coercive action, however, the duties may be collected by the Custom Authorities in accordance with law which statement is taken on record.

JUDGE

JUDGE

Aadil Arab