

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

CP 8444 of 2017
CP 8931 of 2017
CP 8932 of 2017
CP 01 of 2018
CP 128 of 2018
CP 129 of 2018
CP 1719 of 2018

Date	Order with signature(s) of Judge(s)
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24.02.2025

Mr. Bilal Ahmed, advocate holding brief for Mr. Salman Akram Raja, advocate for the petitioner.
Mr. M. Shahzaib Siddiqui, advocate holding brief for Mr. Taha Alizai, advocate for the petitioner.
Mr. Mohammad Ali Ghanghro, advocate for the respondent.
Mr. Kazi Abdul Hameed Siddiqui, Deputy Attorney General.

These petitions, filed by cement manufacturers and the All Pakistan Cement Manufacturers Association, assail the *vires* of sections 42, 43 and 44 of Competition Act, 2010. Per learned counsel, orders had been rendered by the Authority with respect to cement manufacturers, however, the effect thereof and appeals therefrom have been *restrained* vide interim orders obtained herein; that subsisted since inception till today.

Prima facie the interim orders obtained herein have the effect of suspending the operation of the relevant law and rendered the statutory hierarchy of adjudication otiose.

The Supreme Court has deprecated the tendency to render interim orders having the effect of suspending a law. It has been consistently maintained that interim orders, having the effect of suspending a law, ought not to be passed. There is a plethora of edicts to such effect, including PLD 1989 SC 61, 1993 SCMR 2350 and AIR 1985 SC 330; and recently the same has been emphasized in the order dated 29.02.2024, passed in the case of Commissioner Inland Revenue, Large Taxpayers Office vs. Pakistan Oilfields Ltd. Rawalpindi & Others (Civil Petitions No.3472 to 3475 of 2023).

In *mutatis mutandis* application of the binding edicts, referred to supra, interim orders passed herein are recalled and the stay applications are hereby dismissed.

These matters have been inordinately clubbed with CP 2096 of 2007 and connected petitions, however, they have no nexus therewith. Therefore, these matters may be de-tagged and placed before the concerned Constitutional Divisional Bench for further proceedings in two weeks.

Office is instructed to place copy hereof in each connected file.

Judge

Judge

Judge