

IN THE SUPREME COURT OF PAKISTAN  
(ORIGINAL JURISDICTION)

**PRESENT:**

MR. JUSTICE TASSADUQ HUSSAIN JILLANI  
MR. JUSTICE SARMAJAL OSMANY

**CRL. ORG. PETITION NO. 8-L OF 2013 IN**  
**CIVIL APPEAL NO. 192-L OF 2013 IN**  
**CIVIL PETITION NO. 102-L OF 2013**  
(Contempt)

Competition Commission of Pakistan ... Petitioner  
**VERSUS**  
Junaid Sheikh etc ... Respondents  
For the Petitioner: Kh. Saeed-uz-Zafar, ASC  
Syed Fayyaz Ahmed Sherazi, AOR  
Mr. Noman A. Farooqi, Sr. Joint Director  
Legal, CCP  
For the Respondents: N.R.  
Date of Hearing: 20.03.2013

**ORDER**

Submits that this Court in terms of the order dated 21.2.2013 converted Civil Petition No. 102-L/2013 into appeal and allowed with the consent of some of the respondents in the said petition as also of the writ petitioner in Writ Petition No. 26636/2012 who had obtained a stay order from the learned Lahore High Court, Lahore. The direction issued by this Court was as follows:-

"5. Having argued the case at some length, both the learned counsel for petitioners and respondents on court query concur that let a copy of the writ petition be sent to the Competition Commission which should treat it as a representation filed by the respondent - writ petitioner and under the Competition Act, 2010 decide the same within 15 days of the receipt of this order after hearing all the parties concerned and attending to the issues raised.

6. The stand taken by learned counsel for the parties is fair. Consequently, this petition is converted into appeal and allowed, the orders passed in writ petition No. 26636/2012 are set aside and the Constitution petition is dismissed as withdrawn. A copy of the said petition shall be transmitted to the Chairman of the Competition Commission of Pakistan who

**ATTESTED**

  
**Superintendent**  
**Supreme Court of Pakistan**

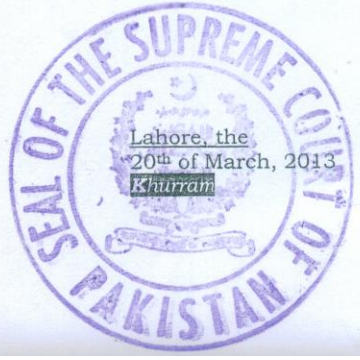
shall forthwith issue notices to all concerned and decide the same within 15 days of the receipt of this order."

2. Learned counsel added that pursuant to the afore-referred order of this Court, the petitioner Competition Commission of Pakistan issued show cause notices to all the parties (before this Court in Civil Petition No. 102-L/2013) as to why an appropriate order in terms of clause (b) of sub-Section 1 of Section 31 of the Competition Act may not be passed against them; that instead of responding to the said notice and appearing before the Competition Commission the respondents (who were respondents in the afore-mentioned Civil Petition (102-L/2013) as well) filed a civil suit before the High Court of Sindh (Suit No. 271/2013) and by misrepresenting that they were not party in the said petition which was converted into appeal and allowed vide the order dated 21.2.2013 procured a stay order which is violative not only of this Court's order but the entire proceedings before the Competition Commission have come to a standstill. Further adds that the respondents and the learned Court are guilty of contempt of this Court. In support of the submissions made, learned counsel relies on Abdul Majid and another Vs. Oazi Abbas Hussain Shah (1995 SCMR 429) & Naveed Nawazish Malik Vs. Ghulam Rasool Bhatti and others (1997 SCMR 193).

3. Let notice be issued to respondents for 27.3.2013. In the meanwhile, the order dated 9.3.2013 passed in Suit No. 271/2013 by the High Court of Sindh, Karachi shall remain suspended.

*Ad/- Tassadug Hussain Jilani, J*  
*Ad/- Sammad Jafar Qureshi, J*

CERTIFIED TO BE A TRUE COPY  
*[Signature]*  
21/3/13  
Superintendent  
Supreme Court of Pakistan



Date of Presentation 20-3-13/30584/13  
No. of Words 600  
No. of Folios: 60  
Requisition Fee Rs. 5000  
Copy Fee in: 5000