

The Gazette  **of Pakistan**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, AUGUST 4, 2015

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW, JUSTICE AND HUMAN RIGHTS

NOTIFICATION

Islamabad, the 31st July, 2015

S. R. O. 749 (I)/2015.—In exercise of the powers conferred by subsection (4) of section 43 of the Competition Act, 2010 (XIX of 2010), the Competition Appellate Tribunal, in consultation with the Federal Government, hereby makes the following rules, namely:—

PART-I

PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Competition Appellate Tribunal Rules, 2015.

(2) They shall come into force at once.

(2759)

Price : Rs. 20.50

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Competition Act, 2010 (XIX of 2010);
- (b) “appeal” means an appeal preferred under Section 42 of the Act;
- (c) “appellant” means a person who prefers an appeal before the Tribunal;
- (d) “authorized representative” means
 - (i) in relation to a company, a person who is either the chief executive or a director or secretary of the company or an advocate entitled to appear before High Court or a member of Institute of Chartered Accountants of Pakistan or Institute of Cost and Management Accountants and is duly authorized by the company to appear, plead and act on its behalf before the Tribunal;
 - (ii) in relation to the Commission or any other officer of the Commission, an Officer authorized by the Commission to appear, plead and act before the Tribunal; and
 - (iii) in relation to any other appellant or respondent, a person who is an advocate of High Court, or a member of Institute of Chartered Accountants of Pakistan or Institute of Cost and Management Accountants and is duly authorized by the appellant or respondent to appear, plead and act on his behalf before the Tribunal; or
 - (iv) in relation to a director of the company, in addition to sub-clause (iii) a director representing fellow appellants or respondents and is duly authorized by the appellant or respondent to appear, plead and act on his behalf before the Tribunal;
- (e) “bank challan” means an original receipt issued by one of the several bank branches which are for the time being authorized by the Tribunal for collection of the receipts;
- (f) “Chairperson” means Chairperson of the Tribunal;
- (g) “Commission” means the Competition Commission of Pakistan established under section 12 of the Act;

- (h) "impugned order" means an order of the Commission comprising two or more members or of the Appellate Bench of the Commission against which an appeal is preferred under section 42 of the Act;
- (i) "member" means member of the Tribunal;
- (j) "prescribed form" means the form specified in Schedule I to these rules;
- (k) "Registrar" means Registrar of the Tribunal and includes an officer of the Tribunal who is authorized by the chairperson to function as Registrar;
- (l) "Registry" means Registry of the Tribunal; and
- (m) "Tribunal" means Competition Appellate Tribunal constituted under section 43 of the Act;

(2) Words and expressions used in these rules, but not defined herein, shall have the same meanings as are assigned to them in the Act.

PART-II

APPEALS

3. **Procedure for filing appeal.**—(1) A memorandum of appeal shall be presented in the Registry or shall be sent by registered post addressed to the Registrar in the form provided in Schedule I to these rules.

(2) A memorandum of appeal sent by post shall be deemed to have been presented on the day it was received in the Registry.

(3) Every memorandum of appeal shall be in four copies in addition to the copies of the respondents, each certified by the appellant or his authorized representative to be in conformity with the original accompanied by,—

- (a) a certified copy of impugned order;
- (b) where an appellant or respondent is represented by an authorized representative, the written authorization in his favour signed by the appellant or the respondent as the case may be:

Provided that if for any reason the authorized representative appearing for the appellant or the respondent at the hearing of an appeal could not file authorization letter alongwith the

memorandum of appeal, he shall file the same at any time before the commencement of hearing.

- (c) a copy of bank challan evidencing payment of fee as provided under rule 29 of these rules;
- (d) all documents and evidence as annexed upon which the appellant/respondent rely in his pleadings.

(4) The appellant shall not rely on any ground which is not stated in the notice of appeal during the hearing except with the permission of the Tribunal.

(5) Every appeal, application, reply, representation or any document filed before the Tribunal shall be in English or Urdu and in case it is in some other language, it shall be accompanied by a copy translated in English or Urdu and shall be fairly and legibly typed written, or printed in double spacing on one side of standard petition paper duly paginated, indexed and stitched together in paper book form.

(6) The Registrar, or, as the case may be the authorized officer shall diary the memorandum of appeal showing date of receipt and the signature of the recipient.

4. Limitation for filing appeal.—(1) Every appeal shall be preferred within a period of sixty days from the date on which a certified copy of the impugned order is received by the appellant. For the purpose of reckoning period, the same shall be computed in accordance with Limitation Act, 1908:

Provided that the Tribunal may, upon an application filed in this behalf, entertain an appeal after the expiry of the said period of sixty days if it is satisfied that there was sufficient cause for not filing it within the prescribed period.

5. Intimation of filing of appeal to the respondent.—The appellant shall, before filing an appeal, send a copy of memorandum and grounds of appeal to the respondents by registered post. A certificate to this effect shall be appended with the memorandum of appeal.

6. Filing of affidavit.—Where a fact, which cannot be borne out by or is contrary to the record, is alleged, it shall be stated clearly and concisely by a duly sworn affidavit and shall have to be filed with the memorandum of appeal.

7. Power to reject.—The Tribunal may, after giving the parties an opportunity of being heard, reject an appeal in whole or in part at any stage in the appeal proceedings if,

- (a) it considers that the memorandum of appeal discloses no valid ground of appeal;

- (b) it considers that the appellant is not an aggrieved party or person under section-42 of the Act;
- (c) The appellant fails to comply with any provision of these rules, or any direction, or order of the Tribunal.

8. Defective memorandum of appeal.—(1) If the Tribunal considers that memorandum of appeal is not filed in accordance with rule 3, is materially incomplete, unduly prolix or lacking in clarity, the Tribunal may give such directions to the appellant as may be necessary to remedy the memorandum of appeal.

(2) The Tribunal may, if it considers that the efficient conduct of the appeal proceedings so requires, instruct the Registrar to defer forwarding a copy of the notice of appeal to the other parties concerned until after the directions given under sub-rule (1) have been complied with.

(3) If the memorandum of appeal is not resubmitted within the period specified by the Tribunal the appeal shall stand dismissed.

9. Appeal Number.— If the appeal is not dismissed in limine, the Registrar shall enter the appeal in a Register maintained for this purpose and assign a number thereto which shall constitute the title of the appeal.

10. Notice of appeal to all concerned parties.—Notice of admission of appeal and the day fixed for its hearing shall be served on the appellant, the respondents and on such other persons as the Tribunal may deem proper.

11. Filing of reply to the appeal and other documents by the respondent.—(1) The respondent shall file four copies of reply statement in addition to the copy of the appellant alongwith similar number of documents in a paper-book form with the Registrar within such time not exceeding thirty days.

(2) Every reply, application or written representation filed before the Tribunal shall be verified in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908).

(3) A copy of every application, reply, document or written material filed by the respondent before the Tribunal shall be supplied to the appellants.

(4) The Tribunal may, in its discretion, on application by the respondent or other interested party allow the filing of reply referred to in sub-rule (1) after the expiry of the period originally allowed provided sufficient cause is shown.

(5) Notwithstanding anything contained in this rule, it shall not be mandatory for the Commission to file a reply to the memorandum of appeal filed under these rules. In the absence of any such reply, the impugned order shall be treated as the defense for and on behalf of the Commission.

12. **Consolidation, etc.**—Where two or more proceedings are pending in respect of the same decision, or which involve the same or similar issues, the Tribunal may, on the request of a party or of its own initiative, order that the proceedings or any particular issue or matter raised in the proceedings be consolidated or heard together.

13. **Production of additional evidence before the Tribunal.**—(1) No party to the appeal shall be entitled to produce additional evidence either oral or documentary before the Tribunal, except with the permission of the Tribunal but if the Tribunal requires any document to be produced or any witness to be examined or any affidavit to be filed to enable it to pass orders, or for any other substantial cause, or, if the adjudicating officer or the first appellate forum has decided the case without giving sufficient opportunity to the appellant to adduce evidence either on points specified by them or not specified by them, the Tribunal may allow such document to be produced or witness to be examined or affidavit to be filed or may allow such evidence to be adduced.

(2) Where The Tribunal directs that the document may be produced or witness may be examined or evidence adduced before any adjudicating officer or first appellate authority, the adjudicating officer or the first appellate authority, the case may be, shall comply with the directions of the Tribunal and after compliance shall send the document, the record of the deposition of the witness or the record of the evidence adduced to the Tribunal.

14. **Continuation of proceedings after the death of the aggrieved person.**—Where an appellant dies or being aggrieved person is adjudged insolvent or if the aggrieved party is a company under liquidation, the appeal shall not abate and may be continued by the executor, administrator, successor or other legal representative of the aggrieved person, or by or against the assignee, receiver liquidator, as the case may be.

15. **Withdrawal of appeal.**—The appellant may, with the permission of the Tribunal, withdraw his appeal at any stage.

PART-III

POWERS OF THE TRIBUNAL

16. **Powers of the Tribunal.**—(1) The tribunal shall, for the purpose of deciding an appeal, be deemed to be a civil court and shall have the :

powers as are vested in a such court under the Code of Civil Procedure, 1908 (Act V of 1908) including the powers of;

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) accept evidence on affidavit;
- (d) requisitioning of any public record from any court or office and issuing commission for the examination of witnesses and documents; or both

(2) Any proceeding before the Tribunal shall be deemed to be a judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Tribunal shall be deemed to be Civil Court for the purposes of section 195 and chapter XXXV of Code of Criminal Procedure, 1898 (Act V of 1898).

17. Head of the Tribunal.—The chairperson shall be the head and shall be responsible for the conduct of the administrative affairs of the Tribunal by exercising powers of Head of the Department.

PART-IV

HEARING OF APPEALS AND DECISIONS

18. Seat of the Tribunal.—The Tribunal shall ordinarily hold its sittings at its permanent seat at Islamabad but may hold its sittings at any other place within Pakistan if in its opinion the holding of sittings at such other place will be convenient to the parties to proceedings before it.

19. Date of hearing to be notified.—The Registrar shall notify the date, time and venue of hearing of the appeal to all the parties in such manner as the Tribunal may, by general or special orders direct:

Provided that when next date is fixed in the presence of the parties no notice shall be issued for such date.

20. Preparation of cause list for hearing.—(1) For any working day the daily cause list shall list out the appeals or applications in the prescribed proforma given at Annex-A.

(2) Cause list for the day shall be prepared by the Reader of the Tribunal and displayed on the notice board by 12:00 noon on the day preceding the date of hearing.

21. **Adjournment of Appeal.**—The Tribunal may, on such terms as it deems fit adjourn the hearing of the appeal on the request of any party.

22. **Hearing of appeal.**—(1) On the day fixed for hearing or on any other day to which the hearing may be adjourned, the appellant shall be heard personally or through his authorized representative, in support of the appeal. The Tribunal shall then hear the respondent or his authorized representative against the appeal and in such a case the appellant shall be entitled to reply.

(2) All parties appearing before the Tribunal may submit a summary of their arguments provided that the tribunal may not consider such arguments which are included in the summary but not pressed before the tribunal during the course of hearing.

23. **Ex-parte decision and recall of order.**—(1) Where on the date fixed for hearing or any day to which the hearing is adjourned, any or both the parties fail to appear, the Tribunal may if it deems fit, dismiss the appeal or application in default or may proceed ex-parte to decide the appeal or application on the basis of the available record.

(2) The party in default may apply for recalling the orders of dismissal of appeal or application as the case may be within thirty days of the dismissal order. The Tribunal after serving notice to the respondents and hearing both the parties, if satisfied that the appellant was prevented by some sufficient cause recall the order and restore the appeal. In such eventuality, the Tribunal shall fix a date of hearing of appeal or application as the case may be.

Explanation:—In this rule the word “appear” means appearance in person or through an authorized representative.

24. **Application for interim relief.**—(1) Any party may submit an application for interim relief together with the bank challan evidencing payment of fee of rupees fifteen thousand:

(2) An application for interim relief shall state,—

(a) the subject matter of the relevant proceedings;

(b) the circumstances giving rise to the urgency;

(c) the factual and legal grounds establishing a preliminary case for the grant of interim relief by the Tribunal; and

(d) the relief sought.

(3) On receiving an application for interim relief, the Registrar shall send a copy thereof to each of the other parties to the proceedings and inform them of the date by which they may submit written or oral submissions to the Tribunal.

(4) The Tribunal shall fix a date for hearing of the application for interim relief and after hearing both the parties pass an appropriate order.

(5) If the urgency of the case so requires, the Tribunal may grant the interim relief subject to notice to other side for a short date and after hearing both the parties the Tribunal may confirm or recall its earlier order.

25. **Decision of appeal.**—The Tribunal in appeal may, confirm, remand, set aside the impugned order and may enhance, reduce the penalty or make such other order as it may deem just and equitable in the circumstances of the case.

26. **Issue of directions by Tribunal.**—The Tribunal may make such orders, or give such directions, as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

PART-V

REGISTRAR

27. **Functions of the Registrar.**—(1) The Registrar of the Tribunal shall discharge his functions under general superintendence of the Chairperson and shall discharge such other functions as are assigned to him under these rules or by a separate order in writing by the Tribunal. The Registrar shall have the custody of the records of the Tribunal.

(2) The official seal of the Tribunal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the Tribunal, the official seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Tribunal.

28. **Additional functions and duties of Registrar.**—(1) In addition to the functions and duties assigned in the preceding rule, the Registrar shall also have, subject to any general or special orders of the Tribunal, the following functions and duties, namely:—

- (a) to receive all appeals, replies and other documents;
- (b) to require any appeal presented to the Appellate Bench to be amended in accordance with these rules or the relevant law;

- (c) subject to the directions of the Bench to fix the date of hearing of the appeals or other proceedings and issue notices thereof;
- (d) to order grant of copies of documents or proceedings to parties;
- (e) to grant leave to inspect the record of the Tribunal in a particular appeal case;
- (f) to dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisement in the newspapers;
- (g) to requisition records from the custody of any adjudicating authority;
- (h) to maintain record of appeal cases received by the Tribunal in good order;
- (i) to maintain a proper record of the documents which are destroyed after completion of the period;
- (j) to submit to the Chairperson a statement showing institution of cases for each month; and
- (k) to submit to the Chairperson a statement showing year-wise pendency.

(2) In case the post of Registrar is vacant, the powers and functions of the Registrar shall be performed by any other official authorized by the Chairperson to perform the powers and functions of the Registrar.

PART-VI

FEE

29. **Fee.**—(1) Every memorandum of appeal and compensation application shall be accompanied with a copy of bank challan evidencing payment of fee as provided in sub-rule (2)

(2) (i) The amount of fee payable in respect of appeal with regard to the penalty and compensation made to the Tribunal shall be as follows:—

Penalty

	Appeal of penalty imposed	Amount of fee payable
1	More than one lac and less than rupees two lacs	Rs. 5,000
2	Two or more than Rupees two lacs	Rs.5000 plus Rs.1,000 for every additional one lakh of penalty or fraction thereof, subject to a maximum of Rs. 500,000

Compensation application

	Amount of compensation claimed		Amount of fees payable
1	Less than rupees one lac	:	Rs. 1,000
2	One or more than Rs.1 lac	:	Rs. 1,000 plus Rs. 1000 for every additional one lakh of compensation claimed or fraction thereof, subject to a maximum of Rs. 500,000

(ii) Amount of fee payable in respect of any other appeal against a direction or decision or order of the commission under the Act shall be rupees ten thousand.

(3) The Tribunal may, to advance the cause of justice and in suitable cases, waive payment of fee or portion thereof, taking into consideration the economic condition or indigent circumstances of the petitioner or appellant or applicant or such other reason, as the case may be, by an order for reasons to be recorded.

(4) The Tribunal in consultation with the Federal Government may review the rates of fee

30. Scale of copying fee.—(1) Copying fee shall be as follows:

- (a) for the first page or part thereof..... Rs.50/-; and
- (b) for every additional page or part thereof.....Rs. 20/-.

(2) Fee shall be recovered in advance by way of depositing in government treasury through bank challan.

(3) Where a party applies for urgent delivery of a copy of order or any document, the fee chargeable shall be two times of the rate prescribed by sub-rule (1).

31. Procedure and fee for inspection of record.—(1) For inspection of record an application in writing shall be made by either party in appeal to Registrar or any person authorized by the Chairperson.

(2) Fee for inspecting records and registers of the Tribunal shall be five hundred rupees payable in advance by way of depositing in government treasury through bank challan.

32. Reconciliation of copying and inspection fee.—The Registrar shall, by the fifth day of each month, obtain the progressive total of receipts from the treasury regarding inspection and copying fee.

PART-VII**RECORD OF THE TRIBUNAL**

33. Arrangement of Record.—(1) The record of appeals, and other petitions shall consist of two parts, namely ‘Part-A’ and ‘Part-B’.

(2) The document specified in Schedule-II shall form ‘Part-A’ of the record unless otherwise directed by the Chairperson, all other documents shall form ‘Part-B’ of the record.

(3) Before consigning the record of an appeal and other petition to the record room:—

- (a) the record shall be arranged into ‘Part-A’ and ‘Part-B’; and
- (b) every document shall be marked according to arrangement referred to in clause (a) with letter ‘A’ or, as the case may be, letter ‘B’.

Explanation: The expression “documents” used in this rule includes all form of electronic record.

34. Preservation of record.—The documents forming part of appeals, and other petitions specified in Schedule-I shall be preserved for the period specified in Schedule-III, which shall be reckoned from the date of final order of the Tribunal:

Provided that the Chairperson may for reasons to be recorded in writing order preservation of any document beyond such period.

35. Manner of destruction of record.—(1) After the expiry of the period of preservation specified in Schedule-III, the record of the appeals, and other petitions shall be destroyed in the manner hereinafter prescribed under the direction and supervision of the Registrar or any officer authorized by the Chairperson in this behalf.

(2) All court fee stamps, affixed to documents which are to be destroyed, shall be removed there from and burnt.

(3) The record shall be destroyed by tearing or otherwise so that no document may be used again.

(4) After destruction of the record, the officer under whose supervision the record was destroyed shall certify that the destruction has been rendered such record of no use.

(5) All papers which are rendered of no use after destruction shall be sold as waste under the orders of the Registrar and the proceeds of the sale shall be credited to the Government treasury.

36. **When Part "B" of the record to be destroyed.**—Unless otherwise directed by the Tribunal, Part "B" of appeals and other petitions filed therewith shall be destroyed before the record is consigned to the record room:

Provided that where an application for reference lies before a high Court, Part "B" of appeal or miscellaneous petition shall be preserved until the period of its limitation has expired or where such application has been filed or a leave to appeal has been preferred to the Supreme Court and has been admitted till the order of the High Court, as the case may be is communicated to the Tribunal:

Provided further when an appeal is dismissed for default or is heard ex-parte, Part "B" of such appeal shall not be destroyed until the expiry of six months from the date of the final order of the High Court or Supreme Court, as the case may be.

37. **Fact of the destruction to be recorded.**—The fact of destruction of appeals and other petitions shall be recorded under the signatures of the Registrar immediately after their destruction in the register in which such appeals, applications for reference and petitions are entered and also in the index prefixed to the record.

38. **Classification, maintenance and preservation of registers.**—The registers of the Tribunal shall be maintained in the language of the Tribunal and divided into the following classes, namely:—

- (a) primary registers maintained for showing institution and disposal of appeals, petitions;
- (b) subsidiary registers maintained for administrative purposes; and
- (c) statistical registers maintained for preparing monthly and annual returns of the Tribunal.

39. **Preservation and destruction of returns and other papers.**—(1) The periodical returns, correspondence, personal files of members, officers and employees of the Tribunal and other papers not specified in Schedule II and Schedule III shall be preserved for such period as is specified in Schedule IV and destroyed thereafter.

(2) The period for which the return or the other papers are to be preserved shall be reckoned from the first January following the date which it bears.

Illustration: Papers of 2014 which under this rule have to be retained, one year shall become liable to destruction after the 31st December 2015.

(3) Where any paper is destroyed, the letter "D" shall be marked in red ink against the entry in the register in which such paper is entered.

40. Inspection of record of the Tribunal.—(1) The members of the Tribunal shall jointly inspect record of the Tribunal with specific reference to the functions of the Registrar and ministerial staff twice a year.

(2) The inspection shall commence on 1st working day of September and March every year or on the succeeding day when the preceding day happens holiday or any Member is on leave

(3) Inspection shall focus on the working of the ministerial staff and the Registrar. Emphasis shall be given to inspection of records of old cases pending to expedite disposal thereof. Registers and other records shall be inspected to check if any lapse has occurred and to arrange for destruction all such registers and record that need to be destroyed.

(4) Any flaw found in the working of the office of Registrar and or of the ministerial staff or any irregularity or illegality committed by them shall be recorded in the inspection report a copy of which shall be given to the Registrar or the concerned ministerial staff to explain the circumstances under which such irregularities or illegalities were committed and whether remedial action has been taken to avoid such lapses in future or not. The report of inspection shall be completed within fifteen days from the date of its commencement.

(5) A copy of the inspection report shall also be sent to the chairperson.

PART-VIII

GENERAL PROVISIONS

41. Seal of the Tribunal.—(1) There shall be a seal of the Tribunal on which its name and insignia shall be inscribed.

(2) The seal shall remain in the custody of the Registrar or such other officer as the Chairperson may direct and shall be affixed on every order passed by the Tribunal.

42. Notice to be signed by the Registrar.—Every notice shall be signed by the Registrar or any other officer of the Tribunal authorized by the Chairperson in this behalf and shall bear the seal of the Tribunal.

43. Review of the rules.—The members may meet after every two years or earlier as may be deemed appropriate by the Chairperson, to review the existing Rules.

44. **Computerization.**—For the purposes of effective and efficient case management, the Chairperson may from time to time, subject to the availability of resources, direct the Registrar for enforcement of these rules through computerization.

45. **Language of the Tribunal.**—(1) The language of the Tribunal shall be English or Urdu.

(2) Appeal, application, representation, document or other matters contained in any language other than English or Urdu shall only be admissible where a true copy of translation thereof in English accompanies the same and in the manner as deemed appropriate by the Tribunal.

46. **Dress, office hours and holidays.**—(1) The Chairperson and members of the Tribunal shall wear the same dress as prescribed for the Judges of the High Court.

(2) The Tribunal shall observe holidays as under:

(a) Holidays as notified and declared by the Federal Government;

(b) Winter vacations from the 24th December to 1st January every year; and

(c) Summer vacations from 15th July to 31st August, every year.

(3) During winter and summer vacations the Registrar and ministerial staff shall remain present in the Tribunal to receive appeals and applications and to conduct other ministerial work.

(4) The timings for hearing of appeals and miscellaneous applications by the Tribunal shall be from 9.00 am to 1.00 pm on working days provided the roster of cause list for the day is completed.

(5) Friday shall be the judgment writing day and no hearing, except in urgent matter shall take place.

47. **Plural remedies.**—A memorandum of appeal shall not seek relief or reliefs therein against more than one order unless the reliefs prayed for are consequential.

48. **Order to be signed and dated.**—(1) Every order of the Tribunal shall be signed and dated by the Members comprising the Tribunal who may, subject to recording of reasons in writing, pass interim orders or injunctions in the interest of justice.

(2) The order shall be pronounced in the sitting of the Tribunal.

49. **Correction in order.**—Clerical or arithmetical mistakes arising in an order of final adjudication from any accidental slip or omission may at any time, be corrected by a Tribunal either on its own motion or on an application made by any of the parties.

50. **Hearing to be in Public.**—The hearing of any appeal or claim for damages shall be in public except to any part where, in a particular case, the Tribunal considers is otherwise, with reasons to be recorded.

51. **Order to be communicated to parties.**— The Tribunal shall, after the order is signed, cause it to be communicated to the appellant and to the respondent, announce to the parties in open court.

SCHEDULE I
FORM A (See Rule 3)

Before the Competition Appellate Tribunal Islamabad.

A. B – Appellant(s)

Versus

CD... and other respondent(s)

Appeal under section 42 read with section(s) (specify the relevant provisions invoked in the appeal).

1. Jurisdiction of the Competition Appellate Tribunal.

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

2. Limitation.

The appellant further declares that the appeal is within the limitation period as prescribed in section 42.

3. Facts of the case and the details of the orders against which appeal is preferred:

The facts of the case are given below:

(give a concise statement of facts and grounds of appeal against the specific order in a chronological orders, each paragraph containing as nearly as possible, a separate issue or fact).

4. **Relevant provisions of law**

(Reference must be made to all the relevant provisions invoked and to be relied upon in the appeal).

5. **Legal grounds**

(Give all the legal grounds with reference to the law they are based upon).

6. **Relief sought**

In view of the facts mentioned in paragraphs 3, 4 and 5 above, the appellant prays for the following relief: (specify the relief(s) sought, explain the grounds for relief(s) and the legal provisions, if any, relied upon).

7. **Matter not pending with any other etc.**

The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other Tribunal.

8. **Details of index**

An index containing the details of the documents to be relied upon is enclosed.

9. **List of enclosure**

10. **Signature of the appellant / authorized representative.**

11. **Verification**

1. (name in full in block letters) son / daughter / wife of _____ being the appellant / authorized representative of (_____) do hereby solemnly declare that the foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras 1-10 are true to my personal knowledge and belief.

Verified today this day of

Signature of the appellant / authorized representative

Place:

Date:

SCHEDULE-II

[See rule 34]

Part "A"

1. Part A of the judicial record shall consist of the following documents, namely:—
 - (a) Folder containing the particulars of appeals, petitions and brief abstract of the orders of the Bench;
 - (b) order sheet or chronological abstract of orders;
 - (c) original copy of memorandum of appeal;
 - (d) original copies of petitions;
 - (e) affidavits;
 - (f) interlocutory orders of the Benches;
 - (g) judgment or any other final order;
 - (h) all notes in the handwriting of the Members; and
 - (i) judgments and orders of High Courts and Supreme Court.

2. Subject to any direction by the Tribunal to the contrary, part-B of the record shall consist of all documents in such records as are not indicated as belonging to part-A.

SCHEDULE-III

[See Rules 35 and 36]

Preservation of Record

- (a) Documents to be preserved permanently.
 - (i) Part "A" of the appeals, and petitions; and
 - (ii) Judgments of the High Court, Supreme Court in constitutional petitions.

- (b) Part B of a judicial record and applications of a miscellaneous character filed with such record shall be destroyed before such record is consigned to the record-room:

Provided that the Chairperson may for the reasons to be recorded in writing order preservation of any document beyond such period:

Provided further that where an appeal lies to the Supreme Court of Pakistan, part B of the record of such appeal shall be

preserved until the period for the presentation of an appeal has expired, or where an appeal has been made, till the judgment of the Supreme Court of Pakistan, has been communicated to the High Court:

Provided also that when a case by the Tribunal has been dismissed for default or heard ex-parte, part-B of the record shall not be destroyed until the expiry of six months from the date of the decision:

SCHEDULE-IV

[See rule 39]

Preservation of Return and other papers

- (a) Return,—
 - to be preserved for two years,—
 - (i) index of judicial correspondence; and
 - (ii) budget estimates;
- (b) Correspondence to be preserved for one year,—
 - (i) reminders;
 - (ii) charge certificate; and
 - (iii) letters asking for circulars, copies of rules, petitions for employment private letters and petitions asking for information regarding rules or the outstanding claims of the Tribunal etc;
- (c) Personal files of official of the Bench,—
 - (i) who die while in service shall be preserved for three years after their death, provided there are no outstanding claims on the part of their heirs; and
 - (ii) who have retired shall be preserved until their death, provided that no file shall be destroyed before three years from the date of retirement even if death occurs within three years of retirement;
- (d) Account statements, —
 - (i) to be preserved for one year,—
 - sub-vouchers for twenty five rupees or less which are not submitted to audit;

(ii) to be preserved for three years,—

bills and vouchers for over twenty five rupees counter-foils and miscellaneous account papers;

Note: It shall be ensured that no bill or voucher is destroyed, even after expiry of the period mentioned above until all audit objections, if any relating to it have first been settled; and

(iii) to be preserved permanently unless otherwise directed by the Bench; Cash books, journals and ledger accounts.

ANNEX-A
(See section 20)

GOVERNMENT OF PAKISTAN
COMPETITION APPELLATE TRIBUNAL
CAUSE LIST OF CASES FIXED FOR HEARING _____

S.No. (1)	APPEAL No. (2)	NAME OF APPELLANT (S) (3)	NAME OF RESPONDENT (S) (4)

[F. No. 2 (1)/2015-Pub.]

SHAHBAZ AHMED GILL,
Printing/Publication Officer.