

Competition - Pakistan

Supreme Court to rule on competition law appeals

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Under the Competition Ordinance 2009, an order by a member or authorized officer of the Competition Commission can be appealed to the commission's appellate bench, which must consist of at least two members. Appeals against the commission's orders - including orders of the appellate bench - are heard by the Supreme Court.

This appeal structure has been challenged by numerous business and trade bodies. Among other things, critics argue that the court of first appeal for most cases is the High Court, not the Supreme Court. Moreover, appeals to the Supreme Court are made on points of law, not fact.

As a result, the federal government has issued a corrigendum order to replace the Supreme Court with the High Court as the first court of appeal for commission orders. A party that objects to a decision of the commission or its appellate bench can file an appeal with the High Court within 60 days of communication of the decision.

The commission has challenged this change to the ordinance before the Supreme Court, arguing that a corrigendum is issued to correct typographical errors only, and that technical changes cannot be made in this way. It argues that the change is invalid and should not be implemented. The question awaits a decision from the Supreme Court.

For further information on this topic please contact [Samiya Fikree](#) at *Vellani & Vellani* by telephone (+92 21 580 1000), fax (+92 21 580 2120) or email (samiya.fikree@vellani.com).

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