

In the Anti-Dumping Appellate Tribunal, Pakistan
(Appellate Jurisdiction)

Present:

Mr. Nasir Masroor Ahmed
 Mr. Ather Saleem
 Ms. Samaira Nazir Siddiqui

Chairman
 Member
 Member

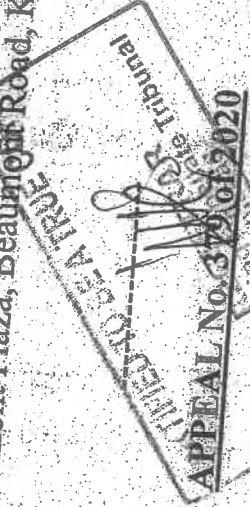
APPEAL No. 362 of 2020

M/S MEHBOOB STEEL PIPE INDUSTRY,
 Head Office 99 Railway Road, Lahore.

Appellants

VERSUS

Respondents

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
 2. M/S INTERNATIONAL STEELS LIMITED,
101, Beaumont Plaza, Beaumont Road, Karachi
- 
1. M/S O.S. CORPORATION,
No. W-566/5, Novelty Cinema, Tail Wali Gali Rawalpindi
 2. M/S FERROUS ENGINEERING INDUSTRY,
Plot # 45, Thunk Bazar, Landa Bazar Lahore.
 3. M/S RELIANCE STEEL,
Plot # 91, Sector -24, Korangi Industrial Area Karachi
 4. M/S Z & D METAL CORPORATION,
Plot # 101, Railway Road, Sher Rabbani Town, Okara
 5. M/S MASTER PIPE INDUSTRIES,
Super Kanda, Karol Ghari, Bund Road Lahore
 6. M/S K.B STEEL INDUSTRIES (PVT.) LTD.,
2 KM, Quaid-e-Azam Interchange, Mominpura, Industrial
Area, Ring Road Lahore.
 7. M/S BISMILLAH INDUSTRY,
Plot # M2E, A/127, Urdu Bazar Road, Shershah, Karachi
 8. M/S KAMRAN STEEL,

- Office No 3, Al-Wadood Centre, Abdul Rahim, Dillah Zai Road, Peshawar.
9. M/S SUPREME STEEL FORMING (PVT.) LTD., Plot # 325, Bazar Al-Hadeed, Loha Market Lahore.
 10. M/S STAMCO STEEL CORPORATION, 64-M, Basement Floor, Block-2 P.E.C.H.S, Khalid Bin Waleed Road, Karachi.
 11. M/S SHAMIM TIN MERCHANT, Shop # 34, Nadia Terrace, Lawrance Road, Karachi.
 12. M/S SAFA STEEL, Plot # 6/2-A, LR-4, Ireland Road, Office Nishar Road Karachi.
 13. M/S AKBAR TUBE INDUSTRIES, Plot # 668, Magsoondanpura, Salamatpura Road Daroghawala, G.T Road Lahore.
 14. M/S IMRAN ENTERPRISE, Iron and Steel Market, Opp. UBL Branch, Gondlanwala Road Gujranwala.
 15. M/S METALLURGY INTERNATIONAL, No 1-3, Tl-23/1, Tinplate Market, Bhimpura Karachi.
 16. M/S ALI STEEL, Plot # A-288, Kashmiri Bazar, Rawalpindi.
 17. M/S SHAMIM AGENCIES (PVT) LTD, Plot # F-472, S.I.T.E Area Karachi.
 18. M/S PERFECT GRAFT (SMC-PVT) LTD., S-51/1, S.I.T.E Area Karachi.
 19. M/S AL-UMAR HOUSE TRADING CO. (SMC-PVT) LTD., Office No 1-3, Plot No D/3, R.E.C.H.S, Unit No 3, Main Auto Bhan Road, Hyderabad.
 20. M/S IBRAHIM NIZAMI STEEL WIRE IND (PVT.) LTD., 6th Floor, Nizam Chambers, Shakra-e-Fatima Jinnah Road, Lahore.
 21. M/S USMAN & CO., 77, Chashma Pak Daman Bibi, Basti Dera Sheersah Town, Multan.
 22. M/S A & A PIPE INDUSTRIES, No 71-A, Steel Sheet Market, Loha Bazar, Lahore.
 23. M/S STEEL CRAFT (PVT) LTD, Plot # 113/6, Kot Lakhpat Industrial Area, Lahore.
 24. M/S ESSA STEEL, 42-3, Street No.1, Suraj Kund Basti, Old Shujabad Road, Multan.
 25. M/S A-ONE STEEL, Plot # 2259-A, Nishar Road, Outside Haram Gate, Loha Market, Multan.
 26. M/S AZM ENGINEERING (PVT.) LTD., Mian Jee House, Zaryab Colony, Faqirabad, Peshawar.

27. **M/S GUL STEEL HOUSE,,**
Plot # 01, Kas Road, Babuzai Mingora, Swat, K.P.K
28. **M/S MEHBOOB STEEL PIPE INDUSTRIES,**
Plot # 4-6, Sector-G, H.I.T.E, Hub, Balochistan
29. **M/S MEHBOOB TUBE MILLS,**
Opposite UBL Bank, Balambal, Tengergera, Lower Dir, KPK
30. **M/S S.A.A INDUSTRIES (PVT.) LTD.,**
Nailab CNG Station, Motorway Interchange, Peshawar
31. **M/S MILLAT PIPE INDUSTRY,**
Near HBL, Pari Hoti, Mardan.
32. **M/S SHANGLA STEEL,**
Post Office, Cheksir, Shangla, KPK.
33. **M/S WAZIR KHEL STEEL INDUSTRIES,**
Bulbul Nala, Malik Gul Ahmed Village, Landi Kotal, KPK

VERSUS

Appellants

1. **NATIONAL TARIFF COMMISSION,**
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. **M/S INTERNATIONAL STEELS LTD.,**
101, Beaumont Plaza, Beaumont Road Karachi

Respondents

1. **M/S ZAMIN CONTAINERS IND. (PVT) LTD,**
No. D-140/B, S.I.T.E, Manghopir Road Karachi
2. **M/S HASSAN STEELS,**
Plot # W02/7G1, Bara Imam, Near, Risala Police Station Karachi.
3. **M/S FOUR BROTHERS TRADING,**
No 21, W-0-2, Shafiq Plaza, Plot # 9, Nishtar Road, New Risala Police Station, Karachi
4. **M/S ZUBAIR STEEL,**
Plot # ER-3, Ireland Road, Off Nishtar Road, Karachi
5. **M/S Z.H. TIN TRADERS,**
Sarai Sultan, Younus Sultan, Gunj Baksh Landa Bazar, Lahore
6. **M/S SALMAN IRON MERCHANT,**
81, Moeen Steel Market, Babae-Urdu Road, Karachi
7. **M/S SHAMIM TIN MERCHANT,**
Plot # 64 ML Basement Floor, Block-2, P.E.C.H.S, Karachi

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COPY OF THE ORIGINAL
FILED IN THE
APPEAL No. 380 of 2020

VERSUS


Appellants

1. **NATIONAL TARIFF COMMISSION**,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. **M/S SIDDIQSONS TINPLATE LIMITED**,
7th Floor, Siddiqsons Tower, Plot # 3, Block No 7 & 8 J.C.H.S.
Shara-e-Faisal, Karachi.

Respondents

APPEAL No. 381 of 2020

1. **M/S FERROUS ENGINEERING INDUSTRY**,
Plot #45, Trunk Bazar, Landa Bazar, Lahore
2. **M/S Z & D METAL CORPORATION**,
Sub-Plot # 101, Railway Road, Slier Rabbani Town, Okara
3. **M/S MASTER PIPE INDUSTRIES**,
Super Kanda, Karol Ghati, Bund Road Lahore.
4. **M/S K.B STEEL INDUSTRIES (PVT) LTD.**,
2 KM, Quid-e-Azam Interchange, Mominpura, Industrial
Area, Ring Road Lahore.
5. **M/S KAMRAN STEEL**,
Office No 3, Al-Wadood Centre, Dillahi Zak
Road Peshawar.
6. **M/S SUPREME STEEL FORMING (PVT) LTD.**,
Plot # 325, Bazar Ahle Hadeed, Loha Market Lahore.
7. **M/S SHAMIM TIN MERCHANT**,
Shop # 34, Nadia Terrace, Lawrence Road, Karachi.
8. **M/S AKBAR TUBE INDUSTRIES**,
Plot # 668, Maqsoodanpura, Salmatpura Road, Darogahwala
G.T Road Lahore.
9. **M/S IMRAN ENTERPRISE**,
Iron and Steel Market, Opp UBL Branch, Gondanwala Road
Gujranwala
10. **M/S METALLURGY INTERNATIONAL**,
No 1-3, TL-23/1, Tinplate Market, Bhimpura Karachi
HI-M/S SHAMIM AGENCIES (PVT.) LTD.
Plot # F-472, S.I.T.E Area Karachi
12. **M/S AL-UMAR HOUSE PARADING CO (SMC-PVT)**
LTD.,
Office No 1-3, Plot No D/3, R.E.C.H.S. Unit No 5, Math Auto
Bhan Road, Hyderabad.


 (Appellant)
 Tribunal

13. M/S IBRAHIM NIZAMI STEEL WIRE IND (PVT.) LTD.,
6th Floor, Nizam Chambers, Shakra-e-Fatima Jinnah, Queen
Road Lahore.
14. M/S USMAN & CO.,
77, Chashma Pak Daman Bibi, Basti Deta, Shershad Town,
Multan.
15. M/S A & A PIPE INDUSTRIES,
71-A, Steel Sheet Market, Loha Bazar, Lahore.
16. M/S AZM ENGINEERING (PVT) LTD.,
Mian Jee House, Zaryab Colony, Faqirabad No. 2, Peshawar.
17. M/S GUL STEEL HOUSE,
Plot # 01, Kas Road, Babuzai, Mingora, Swat, K.P.K
18. M/S MEHBOOB STEEL PIPE INDUSTRIES,
Plot # 4-6, Sector-G, H.I.T.E, Hub, Balochistan.
19. M/S MEHBOOB TUBE MILLS,
Opposite UBL Bank, Balambal, Temergara, Lower Dir, KPK
20. M/S MILLAT PIPE INDUSTRY,
Near HBL, Pari Hoti, Mardan.
21. M/S SHANGLA STEEL,
Port Office, Cheksir, Shangla, KPK.
22. M/S WAZIR KHEL STEEL INDUSTRIES,
Bulbul Nala, Malik Gul Ahmed, Landi Kotal, KPK

Appellants

CERTIFIED TO BE A TRUE COPY
AS FILED IN THE TRIBUNAL

1. NATIONAL TARIFF COMMISSION,
State Life Building, P.O. Blue Area, Sector F-6/4 Islamabad.
2. M/S INTERNATIONAL STEELS LIMITED,
101, Beaumont Plaza, Beaumont Road, Karachi.

Respondents

APPEAL No. 382 of 2020

1. M/S Z & D METAL CORPORATION
Plot # 101, Railway Road, Sher Rabbani Town Okara.
2. M/S O.S CORPORATION,
No. W-5665, Novelty Cinema, Jail Wali Gali Rawalpindi.
3. M/S FERROUS ENGINEERING INDUSTRY,
Plot # 45, Trunk Bazar, Landi Bazar Lahore.

4. **M/S RELIANCE STEEL**,
Plot # 91, Sector -24, Korangi Industrial Area Karachi.
5. **M/S MASTER PIPE INDUSTRIES**,
Super Kanda, Karol Ghati, Bunt Road Lahore.
6. **M/S K.B STEEL INDUSTRIES (PVT) LTD**,
2 KM, Quaid-e-Azam Interchange, Mominpura, Industrial Area, Ring Road Lahore.
7. **M/S BISMILLAH INDUSRY**,
Plot # M2E, A/127, Urdu Bazar Road, Shershab, Karachi.
8. **M/S KAMRAN STEEL**,
Office No 3, Al-Waddood Centre, Abdt/Rahim, Dillah Zak Road/Peshawar.
9. **M/S SUPREME STEEL FORMING (PVT) LTD**,
Plot # 325, Bazar Al-Hadeed, Boha Market Lahore.
10. **M/S STAMCO STEEL CORPORATION**,
64-M, Basement Floor, Block -2 P.E.C.H.S, Khalid Bin Waleed Road, Karachi.
11. **M/S SHAMIM TIN MERCHANT**,
Shop # 34, Nadia Terrace, Lawrence Road, Karachi.
12. **M/S SAFA STEEL**,
Plot # 6/2-A, LR-4, Ireland Road, Office Nishitar Road Karachi.
13. **M/S AKBAR TUBE INDUSTRIES**,
Plot # 668, Magsoondanpura, Salamattpura Road, Daroghawala, G.T Road Lahore.
14. **M/S IMRAN ENTERPRISE**,
Iron and Steel Market, Opp. U.B.L. Branch, Gondlagwala Road Gujranwala.
15. **M/S METALLURGY INTERNATIONAL**,
No 1-3, TL-23/1, Template Market, Bhimpura Karachi.
16. **M/S ALI STEEL**,
Plot # A-288, Kashmiri Bazar, Rawalpindi.
17. **M/S SHAMIM AGENCIES (PVT) LTD**,
Plot # F-472, S.I.T.E Area Karachi.
18. **M/S PERFECT CRAFT (SMC--PVT) LTD**,
S-51/1, S.I.T.E Area Karachi.
19. **M/S AL-UMAR HOUSE OF TRADING CO (SMC-PVT) LTD**,
Office no 1-3, Plot No D/3, R.E.C.H.S, Unit No 3, Main Auto Bhan Road, Hyderabad.
20. **M/S IBRAHIM NIZAMI STEEL WIRE IND (PVT.) LTD**,
6th Floor, Nizam Chambers, Shakra-e-Fatima, Innah, Queen Road Lahore.
21. **M/S USMAN & CO**,
77 Chashma Pak Daman Bibi, Basti Dera, Shershad Town, Multan.
22. **M/S A & A PIPE INDUSTRIES**,

- 71-A, Steel Sheet Market, Loha Bazar, Lahore.
23. **M/S STEEL CRAFT (PVT) LTD.,**
Plot # 113/6, Kot Lakhpat Industrial Area, Lahore.
24. **M/S ESSA STEEL,** 42-3, Street No 1, Suraj Kund Basti, Old Shujabad Road, Multan.
25. **M/S A-ONE STEEL,** Plot # 2258-A Nishat Road, Outside Haram Gate, Loha Market, Multan.
26. **M/S AZM ENGINEERING (PVT.) LTD.,**
Mian Jee House, Zaryab Colony, Faqirabad, Peshawar.
27. **M/S GUL STEEL HOUSE,**
Plot # 01, Kas Road, Babuzai, Mingora, Swat, K.P.K
28. **M/S MEHBOOB STEEL PIPE INDUSTRIES,**
Plot # 4-6, Sector-G, H.I.T.E, Hub, Balochistan.
29. **M/S MEHBOOB TUBE MILLS,**
UBL Bank, Balambat, Temgera, Lower Dir, KPK.
30. **M/S S.A.A INDUSTRIES (PVT.) LTD.,**
Nailab CNG Station, Motorway Interchange, Peshawar.
31. **M/S MILLAT PIPE INDUSTRY,**
Near HBL, Pari Hoti, Mardan.
32. **M/S SHANGLA STEEL,**
Post Office, Cheksir, Shangla, KPK.
33. **M/S WAZIR KHEL STEEL INDUSTRIES,**
Bulbul Nala, Malik Gul Ahmed Village, Landi Kotal, KPK.

Appellants

1. **NATIONAL TARIFF COMMISSION,**
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad.
2. **M/S AISHA STEEL MILLS LIMITED,**
No.45, Down Stream Industrial Area Karachi.

Respondents

APPEAL No. 383 of 2020

1. **M/S SUPREME ROOFING & SHEET METAL,**
Neelab CNG, Ring Road, Peshawar, K.P.K
2. **M/S STEEL ZONE,**
Neelab CNG, Ring Road, Peshawar, K.P.K
3. **M/S RAJA STEEL,**
Gawadar Road, Ireland Road, Off: Nishat Road, Karachi.

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. M/S INTERNATIONAL STEELS LIMITED,
101, Beaumont Plaza, Beaumont Road, Karachi.

Respondents

APPEAL No. 384 of 2020

M/S AHMED CORPORATION,
No. 405, 4th Floor, Plot No. 19-C/1, Sector-B/7, Islamabad.

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. M/S INTERNATIONAL STEELS LIMITED,
101, Beaumont Plaza, Beaumont Road, Karachi.

Respondents

APPEAL No. 390 of 2020

M/S SHAMIM TIN MERCHANT,
No. W-566/5, Novelty Cinema, Tail Wali Gali, Rawalpindi.

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. M/S AISHA STEELS MILLS LIMITED,
45-Down Stream Industrial Area, Karachi.

Respondents

For Appellants

Mr. Muhammad Afzal Awan along
with Ms. Nazma Parveen,
Advocates for appellants

For respondent No. 1

Mr. Ahmed Sheraz, Chief Legal
Advisor along with Mr. Azfar
Naeem, Legal Advisor, NTC,
Islamabad

For respondent No. 2

Mr. Saifullah Khan & Barrister
Shahrukh Iftikhar, Advocates for
private respondents

APPEAL No. 364 of 2020

M/S LATIF OIL & GHEE INDUSTRIES,
Plot # 77, Phase-IV Industrial Estate,
Hattar District Haripur.

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Appellants

1. **NATIONAL TARIFF COMMISSION,**
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad.
2. **M/S SIDDIQ SONS TIN PLATE LIMITED,**
Head Office 27th floor, Ocean Tower, G-3 Block 9, K.D.A
Scheme-V Main Clifton Road Karachi
3. **FEDERAL BOARD OF REVENUE**
Constitution Avenue, Islamabad.
4. **THE COLLECTOR CUSTOMS HOUSE,**
University Road, Peshawar.
5. **THE COLLECTOR OF CUSTOMS**
APPRAISMENT (East/West) MCC,
Custom House, University Road, Peshawar
6. **THE COLLECTOR OF CUSTOMS MCC IMPORTS**
Port Qasim, Karachi.

Respondents

APPEAL No. 365 of 2020

M/S AK OIL & GHEE INDUSTRIES (PVT) LTD,
Plot # 25, 26, 30 & 31, Phase VII Special Economic Zone,
Industrial Estate Hattar District Haripur.

VERSUS

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad.
2. M/S SIDDIQ SONS TIN PLATE LIMITED,
Head Office 27th floor, Ocean Tower, G-3 Block 9, K.D.A
Scheme-V Main Clifton Road Karachi.
3. FEDERAL BOARD OF REVENUE
Constitution Avenue, Islamabad.
4. THE COLLECTOR CUSTOMS HOUSE,
University Road, Peshawar.
5. THE COLLECTOR OF CUSTOMS
APPRAISMENT/(East/West) MCC,
Custom House, University Road, Peshawar

For Appellants

For respondent No. 1

For respondent No. 2

Mr. Muhammad Akbar Khan,
Advocate for the appellants
Mr. Ahmed Sheraz, Chief Legal
Advisor along with Mr. Azfar
Nasem, Legal Advisor, NTC,
Islamabad
Barrister Shahrukh Iftikhar, Advocate
for private respondents

Respondents

M/S BILLOUR INDUSTRIES (PVT) LTD,
Plot # 79-80, Industrial Estate, Jamrud Road,
Peshawar.

VERSUS

NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad.

For Appellants

Mr. Isaac Ali Qazi, Advocate for the
appellants

Respondent

Appellants

APPEAL No. 378 of 2020

For respondent

11

Mr. Ahmed Sheraz, Chief Legal
Advisor along with Mr. Azfar
Naeem, Legal Advisor, NTC,
Islamabad

APPEAL No. 387 of 2020

M/S RASHID STEEL,
Office # 13/B, Waheed Centre, Sector - B/7 Islamabad

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION, State Life Building #
05, Blue Area, Sector F-6/4 Islamabad.
2. M/S INTERNATIONAL STEEL LIMITED
101, Beaumont Plaza, Beaumont Road Karachi.

For Appellants

Respondents

For respondent No. 1

For respondent No. 2

ANTI-DUMPING TRIBUNAL
ISLAMABAD
THE COPY

Shahdar M. Ishaque,
Advocate for the appellants

Mr. Ahmed Sheraz, Chief Legal
Advisor along with Mr. Azfar
Naeem, Legal Advisor, NTC,
Islamabad
Mr. Saifullah Khan, Advocate for
private respondent

APPEAL No. 391 of 2020

M/S SAMA TRADE,
1st Floor, Room No 102, Business and Finance Centre
Main I.I Chundrigar Road, Karachi

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION,
State Life Building # 05, Blue Area, Sector F-6/4 Islamabad
2. M/S INTERNATIONAL STEEL LIMITED
101, Beaumont Plaza, Beaumont Road Karachi.

 Respondents

APPEAL No. 392 of 2020

M/S RAAMIS IMPEX,
 Raja Bazar, Opposite Govt. Zia ul Aloom High School,
 Rawalpindi.

Appellants

VERSUS

1. NATIONAL TARIFF COMMISSION,
 State Life Building # 05, Blue Area, Sector F-6/4 Islamabad.
2. GATRAON INDUSTRIES LIMITED,
 Company Secretary, 10th Floor, G & T Tower #18, Beaumont
 Road, Civil Lines-10, Karachi.
3. RUPALI POLYESTER LIMITED,
 Director Finance, Rupali House, 241-242, Upper Mall Scheme,
 Anand Road, Lahore.

 Respondents

For Appellants

For respondent No. 1

Mr. Naveed Zafar Khan,
 Advocate for the appellants

Mr. Ahmed Sheraz, Chief Legal
 Advisor along with Mr. Azfar
 Tariq, Legal Advisor, NTC
 Islamabad

Mr. Salman Zaheer, Advocate for
 private respondents

For respondent No. 2

Date of hearings

: 09-07-2020, 10-07-2020, 04-08-2020
 12-08-2020, 22-09-2020, 29-09-2020
 30-09-2020, 06-10-2020, 08-10-2020
 15-10-2020, 20-10-2020, 23-10-2020

Date of Judgment

October 29, 2020

JUDGMENT

Nasir Masroor Ahmed: These appeals are directed against different Final Determination reports issued by National Tariff Commission ("the NTC") in the matters of alleged dumped imports of Galvanized Steel Coils/Sheets, Tinplate Color Coated Coils/Sheets and Cold Rolled Coils causing injury to the domestic industry. Since all these appeals Nos. 362,382,379,383,384,364,365,378,380,381, 387,390, 391 & 392 of 2020 involved similar question of law of limitation, the same are disposed of through this single judgment. Brief facts of the appeals are discussed herein below.

Appeal Nos. 362, 379, 382, 383 & 384 of 2020

2. These appeals have been preferred before this Tribunal challenging the Notice of Final Determination dated 08.02.2017 on alleged dumped imports of Galvanized Steel Coils/Sheets ("GCS") originating in and/or exported from China. The NTC received an anti-dumping application under section 20 of the Anti-Dumping Duties Act, 2015 ("the ADD Act") from M/s International Steels Karachi (the respondents) on 29.06.2015 and the NTC initiated the anti-dumping investigation on 11.08.2015 under section 23 of the ADD Act. The NTC issued Preliminary Determination on 03.11.2016 and made its affirmative Final Determination on 08.02.2017 imposing definitive anti-dumping duty for a period of 5 years, the same is impugned herein. These appeals were preferred on 01.06.2020, 06.08.2020, 06.08.2020 and 01.09.2020 respectively beyond the prescribed limit of time i.e. 45 days from the publication of notice in the newspapers. These appeals are barred by time for more than two years. Civil Miscellaneous Application bearing No. 101 in Appeal No. 362 of 2020 was made for condonation of delay.

Appeal Nos. 364, 365, 378 and 380 of 2020

3. The appeals were filed before this Tribunal challenging the Notice of Final Determination dated 31.05.2019 against alleged dumped imports of Tinplate into Pakistan. The NTC received an application under section 20 of the ADD Act

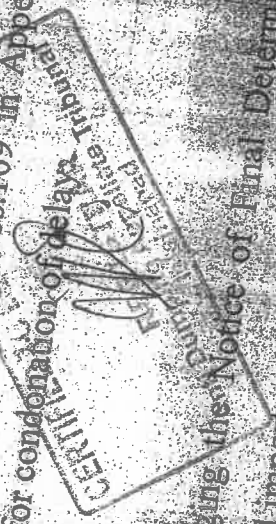
on 28.06.2018 from M/s Siddiqsons Tinplate Limited Karachi ("the respondent") and initiated an anti-dumping investigation on 20.08.2018 under section 23 of the ADD Act. The NTC issued Preliminary Determination on 30.01.2019 and made its Final Determination on 31.05.2019 imposing definitive anti-dumping duty for a period of 5 years, the same is impugned herein. These appeals were preferred on 20-07-2020, 05-08-2020 and 06-08-2020 respectively beyond the prescribed limit of time i.e. 45 days and are barred by time for more than one year. Civil Miscellaneous Applications bearing Nos.106 in Appeal No. 364 of 2020, 107 in Appeal No. 365 of 2020 and 108 in Appeal No. 378 of 2020 were also made requesting for condonation of delay.

Appeal Nos. 381, 387 and 391 of 2020

4. These appeals were made before this Tribunal challenging the Notice of Final Determination dated 13.08.2018 against alleged dumped imports of Color Coated Coils into Pakistan. The NTC received an application under section 20 of the ADD Act on 10-04-2017 from M/s Aisha Steel Mills Limited Karachi ("the respondent") and initiated an anti-dumping investigation on 10.06.2017 under section 23 of the ADD Act. The NTC issued Preliminary Determination on 08.12.2017 and made its Final Determination on 13.06.2018 and imposed definitive anti-dumping duty, the same is impugned herein. These appeals were preferred on 06-08-2020, 07-09-2020, 23-09-2020 respectively beyond the prescribed limit of time i.e. 45 days and are barred by time for more than two years. Civil Miscellaneous Application bearing Nos.109 in Appeal No. 387 of 2020 were also made requesting for condonation of delay.

Appeal No. 390 of 2020

5. This appeal challenging the Notice of Final Determination dated 17.03.2020 against alleged dumped imports of Cold Rolled Coils into Pakistan had been preferred before this Tribunal. The NTC received an application under section 20 of the ADD Act on 29.03.2019 from M/s Aisha Steel Mills Limited Karachi ("the respondent") and initiated an anti-dumping investigation under section 23 of the ADD Act. The NTC issued Preliminary termination on 20.09.2019 and the NTC made its Final Determination on



17.03.2010 and imposed definitive anti-dumping duty, the same is impugned herein. This appeal was preferred on 16.09.2020 beyond the prescribed limit of time i.e. 45 days and is barred by time for more than 4 months. Civil Miscellaneous Application bearing No. 136 in Appeal No. 390 was also made requesting for condonation of delay.

Appeal Nos. 392 of 2020

6. This appeal had been preferred before this Tribunal challenging the Notice of Final Determination dated 26.08.2017 against dumped imports of Polyester Filament Yarn (PFY) into Pakistan. The NTC received an application under section 20 of the ADD Act on 01.01.2016 from M/s Garon Industrial Limited Karachi and Rupali Polyester Limited Balore (the respondents) and initiated an anti-dumping investigation on 27.02.2016 under section 23 of the ADD Act. The Commission issued Preliminary Determination on 14.02.2017 and made its Final Determination on 26.08.2017 imposing definitive anti-dumping duty, the same is impugned herein. This appeal was preferred on 15.09.2020 beyond the prescribed limit of time i.e. 45 days and is barred by time for more than 3 years.

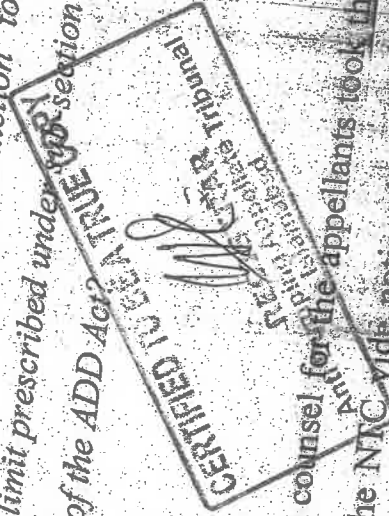
7. We have heard Mr. Afazl Awan, Mr. Muhammad Akbar Khan, Mr. Isaac Ali Qazi, Mr. Naveed Zafar Khan, Sardar Ishaq Khan learned counsel for the Appellants and Mr. Ahmed Sheraz, Chief Legal Advisor NTC, Mr. Azfar Naeem Legal Advisor to the NTC on behalf of respondent No. 1 and Mr. Saifullah Khan, Mr. Salman Zaheer and Mr. Shahrukh Iftikhar, learned counsel for private respondents. At the very outset, Mr. Ahmed Sheraz, Chief Legal Advisor to the NTC pointed out that these appeals were preferred beyond the time stipulated in the ADD Act. The appellants first had to cross the threshold of limitation before arguing the merits of the appeals. The Learned Counsel for the Appellants pleaded that the appeals be decided on merits rather than on technical ground i.e. question of limitation.

8. After hearing the arguments of both the sides, following issues arise for determination and the same are discussed hereinafter in light of respective contentions made before us;

- i. Whether there was a vacuum of law when applications for initiation of investigations were filed?
- ii. Whether an appeal which is preferred beyond the period of time specified by law can be heard on merit along with the pending appeals preferred in time?
- iii. Whether the time for filing of an appeal will be computed from the date of knowledge or date of publication of notice in Newspaper.
- iv. Whether this Tribunal has the jurisdiction to enlarge the time limit prescribed under sub-section (4) of section 70 of the ADD Act?

Issue No. 1:

9. Mr. Afzal Awan learned counsel for the appellants took the plea that the Final Determinations issued by the NTC wide notice dated 08-02-2017 were void *ab initio* as there was no law in field on the day when application for initiation of investigation was made. He stated that the Anti-Dumping Ordinance 2000 was repealed by Anti-Dumping Duties Ordinance, 2015 issued on 26.02.2015 and it lapsed after 120 days in terms of Article 89 of the Constitution of Islamic Republic of Pakistan and Anti-Dumping Duties Act 2015 was enacted on 8th September 2015. There was, therefore, a vacuum during the intervening period from 26.06.2015 to 08.09.2015 as there was no anti-dumping duty law in field. This Application filed under repealed Ordinance was void *ab initio* and time did not run against void orders. He prayed that the appeals may be admitted and decided on merits instead of technical grounds i.e. time limitation.



On the other hand, Mr. Ahmed Sheraz, Chief Legal Adviser to the NTC and Mr. Saifullah Khan learned counsel for the appellants, Mr. Sheraz vehemently opposed the pleas taken by learned counsel for private respondent in the contention of the appellant's counsel that there was no anti-dumping duties law in the country when applications were filed, thus the claim that impugned determinations were void *ab initio*, was not only fallacious but also misconceived. To support his argument he relied upon the judgment in Writ Petition No. 169 of 2016 passed by Hon'ble Islamabad High Court against the same product i.e. Cold Rolled Coils/Sheets wherein the appellant raised the issue of vacuum of law, the writ petition was dismissed by the Hon'ble Court and it was held that there was no vacuum of law during the period of proceedings and promulgation of law, and as such the proceedings and determinations made by the Appellants were legally valid and lawful.

11. After hearing both the sides and perusal of the record made available before us, it is clear that the appellants' stance that the impugned determinations were void *ab initio* as there was vacuum of law when the investigations were initiated is not supported by facts. This issue was raised before the Hon'ble Islamabad High Court, Islamabad in Writ Petition No. 169 of 2016 and it was held by Hon'ble Court that:

"13. In the instant case the Resolution, dated 30.07.2015, extending the AD Ordinance of 2015 w.e.f. 25.06.2015 was passed pursuant to the powers vested under Article 89 of the Constitution. By giving retrospective effect the Ordinances were extended for another period of 120-days and, therefore, no vacuum existed between 25.06.2015 and 30.07.2015. The Commission and all its acts or proceedings were therefore, valid and lawfully covered under the Ordinances. Moreover after the enactment of the AD Act of 2015 and the NTC Act of 2015 the Ordinances were clearly provided with continuity by the Mails-e-Shoora. The investigations initiated by the Commission pursuant to receiving applications under section 20 of the AD Ordinance of 2015 on 29.06.2015, and the proceedings conducted by the Commission thereafter, are consequently declared to be valid and within the authority and jurisdiction of the latter. Moreover, the

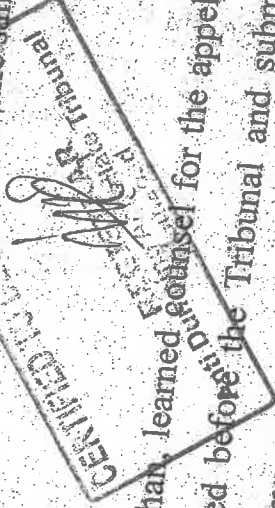
consequences of repeal provided under Article 264 of the Constitution after the expiry of the period of validity of an Ordinance prescribed under Article 89 shall be attracted as held by the august Supreme Court in the judgment titled Federation of Pakistan Versus M. Nawaz Khokhar Supra, I am afraid that the case law cited at the Bar by the learned counsel for the petitioners is distinguishable in the facts and circumstances of the instant petition.

14. For what has been discussed above, the instant petitions are without merit and are, therefore, accordingly dismissed."

12. In the light of above judgment of Hon'ble Islamabad High Court, Islamabad, this Tribunal also passed order on 15.04.2019 in Appeal No. 325 of 2018 and it was held that, "judgment passed by the Hon'ble Islamabad High Court, Islamabad in the same matter impugned herein, we do not feel ourselves inclined to disagree with Mr. Sheraz, Chief Legal Advisor NTC on the point of vacuum of law when the investigation was initiated by the Commission. The objection of appellant is over-ruled and answered accordingly. It is thus evident that the issue had already been settled by the Hon'ble Islamabad High Court and followed by this Tribunal and we also are inclined to follow the same."

Issue No. 2:

13. Mr. Naveed Zafar Khan, learned counsel for the appellants in appeal No. 391 & 392 of 2020 appeared before the Tribunal and submitted that this Tribunal had already upheld the impugned determination dated June 13, 2018 by dismissing the appeal Nos. 291, 296, 299 & 300 of 2018, likewise his appeals may be decided on merits rather than on the question of limitation. He stated that when a common question of law is decided in one case the other case involving the same point is liable to be heard on merits and referred to case law 2020 SGMIR 959. Mr. Muhammad Isaac Qazi, learned counsel for appellants in appeal No. 374 of 2020 Sardar Muhammad Ishaque, learned counsel for appellants in appeal No. 187 of 2020 and Mr. Afzal Awan, learned counsel for the appellants were also of the same view.



14. Mr. Ahmed Sheraz, Chief Legal Advisor to the NTC, Mr. Saifullah Khan, Mr. Shahrukh Ifkhar, learned counsel for private respondents contradicted the plea taken by the learned counsel for appellants and submitted that the law provides the time for filing of each appeal within 45 days. The appeal which had been preferred beyond this time cannot be heard along with the appeals pending adjudication and preferred within specified time frame. The case law on which learned counsel for the appellants emphasized to rely upon (2020 SCMR 959) in the Anti-Dumping Duties law, 2001 which empowers under section 131(4) the Appellate Tribunal to condone delay in filing of appeals and no such powers exist in the Anti-Dumping Duties law; therefore the facts of the referred case law were distinguishable from those related to the current appeals. Mr. Naveed Zafar learned counsel for the appellants rebutted the plea taken by learned counsel for respondent No. 1 and stated that the Hon'ble Supreme Court of Pakistan did not decide the question of limitation with reference to the Income Tax Ordinance or limitation law but rather the same has been decided under article 185 (3) of Constitution of Islamic Republic of Pakistan to the Income Tax Ordinance of Court under Rules, 1980. Mr. Ahmed Sheraz, opposed the plea of learned counsel for the appellants stating that powers of Supreme Court cannot be exercised by this Tribunal and this Tribunal in a number of cases had rejected time barred appeals where the plea for exercising the inherent power of court under section 151 of Civil Procedure Code, 1908 read with section 5 of the Limitation Act, 1908 was taken. The orders of this Tribunal of rejecting the appeals have been upheld by the Hon'ble Islamabad High Court. He referred to paragraph 66 of the judgment of learned counsel prayed that the appeals may be dismissed on the basis of rule of consistency.

15. We earlier examined the pleas for exercising inherent powers of the court under section 151 of CPC read with section 5 of the Limitation Act in Appeal No. 344 of 2019 and came to the following conclusion.

“Perusal of Section 5 of the Limitation Act reveals that it seeks to provide for condonation of delay in filing of appeals or applications

of revision to which this section has been made applicable by or under any enactment. It is obvious that the Limitation Act has not been made applicable to the Anti-Dumping Act, 2015 which itself prescribes time limit for filing of appeals under section 70 ibid. The timelines for filing of appeal are mandatory in nature and are to be strictly complied with. It has been held by the Hon'ble Supreme Court of Pakistan in 2001 SCMR 286 that where the law, under which proceedings have been launched, prescribes itself a period of limitation like under section 115, CPC then the benefit of section of the Limitation Act cannot be availed, the relevant passage of Hon'ble Supreme Court of Pakistan reads as under:

2001 SCMR 286

"There is no cavil with the argument that if the Statute governing the proceedings does not prescribe period of limitation, the proceedings instituted thereunder shall be controlled by the Limitation Act as a whole. But where the law under which proceedings have been launched prescribes itself a period of limitation like under section 115, C.P.C. then benefit of section 5 of the Limitation Act cannot be availed unless it has been made applicable as per section 29(2) of the Limitation Act."

CERTIFICATE
 TRIBUNAL
 From the above provision of law and principle settled by the Superior Court, it is crystal clear that Section 5 of the Limitation Act is not applicable to the Tribunal working under the "Special Law."

Further, the Hon'ble Islamabad High Court in its judgment in FAO No. 86 of 2019 held:

"It is an admitted position that the legislature has not made Section 5 of the Limitation Act, 1908 specifically applicable to appeals filed under Section 70 of the 2015 Limitation Act, by the 2015 Act, no provision of the proceedings under the said Act. The mere fact that the 2015 Act does not expressly exclude the application of Section 5 of the Limitation Act, 1908 to the proceedings under the 2015 Act would, by itself, not extend the

application of Section 5 of the Limitation Act, 1908 to such proceedings.”

Accordingly, we conclude that section 5 of the Limitation Act is not applicable to Anti-Dumping Duties Act, 2015 and appellants' plea in this regard is liable to be rejected.

Issue No. 3

16. Mr. Isaac Qazi, learned counsel for appellants in appeal No. 378 of 2020 submitted that no notice was served to the appellants during the investigation and they remained unaware of the proceedings before the NTC. It came to their knowledge when customs authorities confronted them with the notice of anti-dumping duty at the time of clearance of consignments. Therefore, they approached the Hon'ble Peshawar High Court through writ petition on 16.06.2020 and the Hon'ble court directed them to approach this Tribunal on 29.7.2020 and they preferred the appeal before this Tribunal on 05.08.2020. He referred to section 14 of the Limitation Act and also quoted ORDER XLI Rule 4 of CPC. He also relied on the article 189 & 201 of the Constitution of Islamic Republic of Pakistan and submitted that the doctrine of stare decisis is reflected in this article which provides that any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan. Relying on the case laws GDD 2003 SC 724, 2003 PLC (CS) 796, 2020 SCMR 959 and 2004 PLC 1014, he prayed that the time shall be computed from the date of knowledge instead of publication of notice in the newspaper and official gazette.

17. M/S Sardar Muhammad Ishaqde, Naveed Zafar Khan, Muhammad Afzal Awan and Muhammad Akbar Khan learned counsel for appellants have also made the same submissions before this Tribunal on the question involved herein and prayed that the time should be computed from the date of knowledge as they are not served any notice nor were heard during the course of investigation.

CERTIFICATE
 RE: Isaac Qazi vs. NTC
 DATED: 05.08.2020


18.

On the other hand, Mr. Ahmed Sheraz, Chief Legal Advisor & Azfar Naeem, Legal Advisor to the NTC, Mr. Saifullah Khan, Mr. Shahrukh Iftikhat, learned counsel for private respondents vehemently opposed the pleas taken by counsel for appellants and contended that the argument of learned knowledge rather from the time would be computed from the date of irrelevant, baseless and totally out of the context. They submitted that the date of would be computed from the date of the publication of notice in the newspaper was and in official gazette and date of knowledge would be considered from the time of publication of the notice. They further submitted that the investigation was a lengthy process and during the course of investigations exporters and known importers were sent notices and questionnaires. All the importers of the investigated product were informed through notice in the newspaper and known gazette so that the interested parties should get themselves registered to take part in the investigation. They submitted that the parties should have been aware of this investigation as three notices i.e. notice for Initiation of Investigation, Preliminary Determination and Final Determination were issued by the NTC through official gazette and published in daily newspaper. It is the general principle that time and tide wait for none and *Fugit Per Legem Vigilat* and ignorance of law of is no excuse. They also referred to F.A.O No. 86 of 2019 in which this issue had already been settled by the Hon'ble Islamabad High Court. Mr. Azfar Naeem learned Legal Advisor further submitted that learned counsel for the appellants relied on section 14 of the Limitation Act and this section did not apply on the appeals and applications as per definition in section 2(10) of the Limitation Act. Section 14 of the Limitation Act required the plaintiff to be prosecuting in good faith and due diligence either in court of first instance or court of appeal and in this appeal the appellants had neither prosecuted in a court of first instance nor in a court of appeal of the original proceedings instead the appellant had prosecuted in a writ petition therefore, for the said reasons reliance cannot be made on section 14 of the Limitation Act and referred to case laws 2015 CLC 1400 and 2008 CLC 412.

19.

Hearing both the sides and perusal of record made available before us, it is clear that the NTC issued notice of every stage during the course of

investigation and published the same in newspapers as well as the official gazette as required by the ADD Act. The stance of learned counsel of the appellants was that the time would be computed from date of knowledge as they were unheard during the course of investigations and notices were not served individually to them. Reliance was made on 2007 SCMR 510 and 2002 SCMR 343. The judgments referred to were perused and it showed that the facts in appeals before us were distinguishable from those in the cited case. In the cited case, special laws provide the mechanism of service of notice to the individuals and notices were not issued to them individually. The hon'ble court thus ruled that when necessary & proper party was kept ignorant and not summoned for hearing, the time would be computed from the date of knowledge of the concerned party for redressal of their grievances. Conversely, there is a procedure of issuing notice in the ADD Act which provides that the notices will be issued through publication in newspaper and official gazette. The question whether or not individual notices are required to be issued in the proceedings initiated under the ADD Act has been examined by the Hon'ble Islamabad High Court in FAO No. 86 of 2019, relevant paragraph No. 22 is reproduced as under:



"Furthermore, since notices of termination, notices of preliminary determination and final determinations were published in the official gazette as well as the newspaper under section 27(1)(b), section 37(3) and section 39(3) of the Act, respectively, the appellant cannot claim that it was unaware of the proceedings before respondent No. 1 culminating in the issuance of the final determinations"

The Hon'ble Islamabad High Court further observed:

"In the case of Bahria Town (pvt) limited vs govt of Punjab (2017 CLC 1793) it has been held inter alia that notification issued in the official gazette had a presumption of notice to all. In the case of Bashir ahmad vs Jastilabad development authority (2015 YLR 1484) the official gazette would be considered to be legislation in so far as the notice of public at large"

It is crystal clear from the above principle settled by the Superior Courts that in so far as notices to public at large is concerned, a notice in newspaper or official gazette is sufficient and we hold similar view.



20.

The appellants in the appeals relied on section 14 of the Limitation Act and it is necessary to see the provision of the said section which is reproduced as under:

Section 14(1)(2) of Limitation Act, 1908

14. *Exclusion of time of proceeding bona fide in Court without jurisdiction.*—(1) In computing the period which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of like nature, is unable to entertain it.

(2)

In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceedings, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

In sub-section (1) of section 14 *ibid*, it is evident that the applicability of this section is limited merely to suits and the appellants are relying on this section while they are preferring appeals. Furthermore, the Act *ibid* expressly defines the word "suit" in section 2(10) which reads as "suit does not include an appeal or an application" showing clearly that this section will be applicable on suits only and not on appeal nor on application. On the applicability of section 14 of the Limitation Act, some case laws also enlighten this principle from which two are reproduced herein below.

2015 CLC 1400

"on perusal of section 14 of the act, it appears that time spent in pursuing the proceedings before wrong appellate forum, cannot be excluded, for the purpose of filing an

appeal and in case appeal is barred by time the provision of section 5 of the act can only be invoked, that too by showing the sufficient cause."

2008 CLC 412

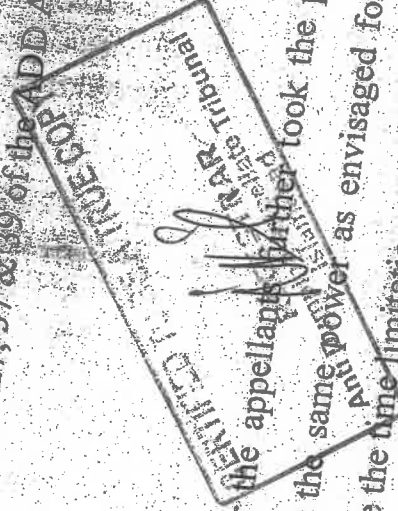
"we may however observe that this section has nothing to do with appeals and its application is confined to suits. In this provision of law it is laid down that in computing the period of limitation prescribed for a suit, the time spent by the plaintiff in prosecuting, with diligence, another civil proceeding shall be excluded."

Therefore we are of the view that section 14 of the Limitation Act is applicable on only suits and excludes appeal & application. The date for computation of time would be reckoned from the date when notices were published in newspaper and in official gazette as prescribed in sections 27, 37 & 39 of the ADD Act.

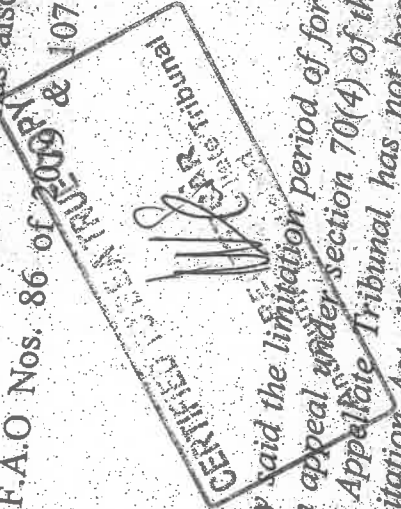
Issue No. 04

21. Learned counsel for the appellants further look the plea that Anti-Dumping Appellate Tribunal had the same power as envisaged for courts under CPC and had the power to condone the time limitation and referred to section 72 of the ADD Act read with section 151 of CPC. While, Mr. Sheraz, Chief Legal Advisor to the NTC submitted that section 72 of the ADD Act, indicates that for the purpose of deciding an appeal this Tribunal shall be deemed to be a civil court and shall have same power as envisaged in such court under CPC. Being the deemed provision, section 72 of the Act does not convert this tribunal into a civil court for all matters rather it is restricted to power of the civil court in deciding an appeal where its procedure is specifically not mentioned therefore, this Tribunal had no inherent power to condone the same and referred to this Tribunal's earlier decisions.

The question whether special Tribunals have any inherent power available to civil court or they have to decide matters in terms of power available them under the governing statutes has been answered by the superior court in

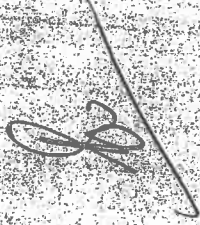


their judgment (PLD 1982 Quetta 87) and held that, "special tribunals do not possess inherent power available to civil court, they are required to act within scope of statutes creating them." In the light of above judgments, it has been a consistent view of this Tribunal that the ADD law being special law, it has been a Act does not apply to the proceedings launched under the ADD Act as is decided in Appeal No. 330 of 2019 dated 29.05.2019. Only sections 4, 9 to 18 and 22 of Limitation Act shall apply to any special or local law as is envisaged in sub-section (2) of section 29 of the Limitation Act. This Tribunal already has held in sub-section No. 69 of 2015 that, "This Tribunal cannot condone the delay in filing in Appeal to allow the application moved by the appellant in this behalf." In appeal no 315 of 2018 this Tribunal also held that, "Appeal No 315 of 2018. In view of above it is clear that this Tribunal cannot the condone delay under the limitation act, 1908." The Hon'ble Islamabad High Court, Islamabad has also confirmed the above position while deciding F.A.O Nos. 86 of 2019 & 107 of 2019 dated 03.12.2019 where it was held:



"19. Now as already said the limitation period of forty five days for filing an appeal under section 70(4) of the 2015 Act before the Appellate Tribunal has not been prescribed in the Limitation Act, 1908, but in the 2015 Act, which is a special law, Section 5 of the said Act cannot be made applicable to such appeals filed under Section 70 (1)(ii) of the 2015 Act. There is a catena of case law in support of filing an appeal or a revision in 1908 would have no application due to section 29(2)(b) of the said Act"

23. It is evident that there is no provision in the ADD Act which empowers the Tribunal to enlarge the limitation period and nothing was produced by the learned counsel for the appellants which would reflect that this Tribunal has the jurisdiction to enlarge the time period specific by the law, thus this Tribunal cannot condone the delay.




27

Civil Miscellaneous Applications
for interim Relief

24. Civil Miscellaneous applications bearing Nos. 124 in Appeal No. 364 of 2020, 125 in Appeal No. 365 of 2020, 126 in Appeal No. 378 of 2020, 99 in Appeal No. 391 of 2020 and 100 in Appeal No. 392 of 2020 were made before this Tribunal for seeking interim relief and in this regard learned counsel for the appellants took plea that the forum which could grant final decision for the grant interim injunction. They further submitted that the appellants had good prima facie case and there were bright chances of their success. The balance of convenience also leaned in their favor yet the respondents were insistent to recover anti-dumping duty against final determinations that were *void ab initio*. They prayed for suspension of operation of notices of final determination and restraining the respondent for collecting anti-dumping duty.

25. On the other hand, the respondents vehemently opposed the plea taken by learned counsel for the appellants and submitted that prima facie the appeals were hopelessly barred by time for more than 3 years so balance of convenience and irreparable loss could not arise out until and unless the threshold of time limitation was crossed. They prayed that the appellants did not have any prima facie case, neither balance of convenience nor irreparable loss as they had the option to import the investigated products from non-dumped sources. They further argued that sub-section (16) of section 70 of the ADD Act, required that the final determination shall be given full force and effect during pendency of any such appeal.

26. We have heard learned counsel for both the sides. Our attention has been drawn to of sub-section (16) of section 70 of the Anti-Dumping Duties Act, 2015 provides that, "*A determination of the Commission shall be given full force and effect during pendency of any appeal of such determination. It requires that any determination by the Commission shall be given full force and effect during the pendency of the appeal. Further, the threshold of time limitation in the first* ment to be decided before the other merits of appeal or applications, if filed.



Anti-Dumping Duties Act, 2015

in the case of granting interim relief to the Appellants is not made in accordance with the principles of law laid down by the superior courts holding that relief should be granted in cases where inconvenience and irreparable loss would be caused by the respondent. Reliance is placed on 1998 relevant portion is reproduced below:

There can be no cavil to the proposition that the Tribunal may pending the final disposal of the petition, grant such interim relief as it may deem fit. Also it is trite law that interim relief may be refused and declined even if the petitioner has a prima facie case, of course, keeping in view balance of convenience and irreparable loss, which, respondent is likely to suffer in such situation. In the instant case, it would not be in the interest of justice to grant interim relief for the same, would not only cause great inconvenience and irreparable loss to respondent but tantamount to granting relief prayed in the main petition itself before the conclusion of regular trial. Moreover, allegations notwithstanding are allegations simpliciter and cannot be treated as gospel truth at the very inception. It was observed (1989 CLC 2499) that elected office-holders are not to be restrained from performing their functions without final judgment and no interim injunction should be allowed.



Thus, having discussed the matter in preceding paragraphs and without touching other merits of the case, we are of the view that these appeals are hopelessly barred by time and are dismissed accordingly. All the CMAs made before this Tribunal are also stand dismissed in above terms. Parties are left to bear their own costs.

Announced in open court on this 29th day of October, 2020.

(Signature)
(Nasir Masroor Ahmed)
Chairman

(Signature)
(Samaira Nazir Siddiqui)
Member

(Signature)
Member