



**BEFORE THE  
MONOPOLY CONTROL AUTHORITY  
IN THE MATTER OF  
M/s. Amros Pharmaceuticals  
(File No. 1(42)/AR/Agr/MCA/2004)**

Present:	Mr. Khalid A. Mirza Chairman
	Raja Raza Arshad Member
	Mr. Abdul Ghaffar Member
Date of hearing:	August 22, 2006
Present for the Respondent:	A Junior of Mr. S.M. Rehan, FCA

**ORDER**

M/s. Amros Pharmaceuticals is an undertaking (hereinafter referred to as the ‘undertaking’) engaged in the production and sale of pharmaceutical products. The undertaking was asked, by the Monopoly Control Authority (hereinafter referred to as the ‘Authority’), vide letter, dated December 2, 2004 to supply a copy of distributorship agreement(s)/standard distributorship agreement, entered into by the undertaking with its distributors for supply or distribution of its products. The information was called for under section 21 of the Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 1970 (hereinafter referred to as “the Ordinance”). The undertaking failed to respond to the Authority’s letters or to supply the requisite information. The undertaking was reminded vide letters dated January 17 and March 14, 2005, for supply of the requisite information, but it again failed to comply with the directions of the Authority.

Show Cause Notice No.80 of 2004-05 dated May 18, 2005 was, therefore, served on the undertaking under section 19 of the Ordinance. The undertaking was required to respond to the Show Cause Notice by June 08, 2005 but the undertaking neither responded to the Show Cause Notice nor supplied the requisite information.

For disposal of the Show Cause Notice the matter was fixed for hearing by the Authority at its camp office at Karachi on August 22, 2006. The undertaking authorized Mr. S.M. Rehan, FCA, to attend the hearing but he did not appear before the Authority. He, however, sent a junior of his firm to attend the hearing who contended that the letter of the Authority dated December 2, 2004 was not received by the undertaking. The Authority asked him if the reminders dated January 17 & March 14, and Show Cause Notice dated May 18, 2005 were received by the undertaking. He answered in the affirmative. The Authority pointed out that the letter dated December 2, 2004 was annexed with the reminders and Show Cause Notice and thus the undertaking had no reason for not supplying the requisite information. Moreover, it could clarify from the Authority, if there was any misunderstanding in the absence of any ameliorating circumstances, it was quite obvious that the undertaking was simply not willing to supply the requisite information. The Authority, therefore, considered the default of the undertaking as willful. The representative requested for grant of some time to supply the requisite information and the Authority allowed him time upto evening of that day but the undertaking failed to supply a copy of the requisite agreement alongwith a list of distributors within the given time frame.

The Authority after considering the facts of the case, submissions of the representative and the fact that the undertaking was not willing to supply the requisite information, decided to impose a penalty of Rs.100,000/- (one hundred thousand) on the undertaking. The undertaking is required to deposit the amount under the relevant head of account within fifteen days from the date of receipt of this Order. The undertaking shall also supply a copy of distributorship agreement(s)/standard distributorship agreement, executed by it with its distributors for supply or distribution of its products within the above referred time frame. In case of failure, action shall be initiated against the undertaking under sub-section (2) of Section 19 of the Ordinance.

-Sd-  
**(Khalid A. Mirza)**  
**Chairman**

-Sd-  
**(Raja Raza Arshad)**  
**Member**

-Sd-  
**(Abdul Ghaffar)**  
**Member**

**Islamabad the August ,2006.**