



**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
Date of hearing:	October 31, 2006
Present for the Respondent:	Mr. S.M. Rehan, FCA

ORDER

M/s. Amros Pharmaceuticals, engaged in the production and sale of pharmaceutical products, is an undertaking (hereinafter referred to as the ‘undertaking’), as defined under Section 2(1)(m) of the Monopolies and Restrictive Trade Practices (Control & Prevention) Ordinance 1970 (hereinafter referred to as the ‘Ordinance’).

2. Monopoly Control Authority (hereinafter referred to as the ‘Authority’) passed Order dated August 29, 2006 and imposed a penalty of Rs 100,000 (Rupees one hundred thousand) on the undertaking, which was required to be deposited under the relevant head of account within fifteen days from the date of receipt of the Order. The undertaking was also required to 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.

3. The undertaking failed to deposit the penalty under the relevant head of account and also to supply the requisite information within the given time frame.

4. The Authority, therefore, served notice dated October 16, 2006 under Section 19 of the Ordinance on the undertaking, giving it an opportunity of being heard on October 31, 2006, to show cause as to why appropriate action under sub-section (2) of Section 19 of the Ordinance may not be taken against it.

5. On the date of hearing Mr. S.M. Rehan, FCA, authorized representative of the undertaking, appeared before the Authority and argued the case. He submitted that the undertaking is a small size partnership concern and deals in generic medicines only. Its turnover for the years 2005 and 2006 was 60 & 70 million rupees respectively. He also submitted that the undertaking had not entered into any distributorship agreement. The Authority inquired from Mr. Rehan about the deposit of penalty imposed on the undertaking vide Order dated August 29, 2006. He apologized for not depositing penalty within the given time frame. He requested for grant of three days time for depositing the penalty under the relevant head of account and also to provide the necessary clarifications as to why the undertaking had been so remiss in its dealings with the Authority and the fact that it has not executed any distributorship agreement. The Authority allowed him time upto November 3, 2006.

6. The undertaking deposited the penalty under the relevant head of account on November 2, 2006 and furnished original paid challan to the Authority. The undertaking also regretted and unconditionally apologized for non-compliance to the Authority's Order dated August 29, 2006.

7. The Authority after considering facts of the case, submissions of the representative, small size of the undertaking, depositing the penalty under the relevant head of account and taking a lenient view decided to dispose off the notice.

-Sd-
(Khalid A. Mirza)
Chairman

-Sd-
(Raja Raza Arshad)
Member

Islamabad the November ,2006