



**BEFORE THE  
MONOPOLY CONTROL AUTHORITY  
IN THE MATTER OF  
M/s. Don Valley Pharmaceuticals (Pvt) Limited  
(File No. 1(50)/AR/AGR/MCA/2005)**

Present:	Mr. Khalid A. Mirza Chairman
	Abdul Ghaffar Member
Date of hearing:	December 5, 2006
Present for the Respondent:	Mr. Abdul Shabeer, Manager Finance/ Director

**ORDER**

1. M/s. Don Valley Pharmaceuticals (Pvt) Limited, engaged in the in production of pharmaceutical goods 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’). The undertaking was asked by Monopoly Control Authority (hereinafter referred to as the ‘Authority’), to apply for registration of its Standard Distributionship Agreement, under Section 16(1)(k)(i) of the Ordinance, due to limiting the area of the distributors, vide letter dated July 6, 2005, but it failed to do so. The undertaking was reminded vide letters dated August 03 & September 9, 2005 but it again failed to respond to the Authority’s letters or to apply for registration. The undertaking was, therefore, served Show Cause Notice No.22 of 2005-06 dated October 18, 2005 under section 19 of the Ordinance. The undertaking did not respond to the Show Cause Notice.

2. For disposal of the Show Cause Notice the Authority fixed the matter for hearing on December 5, 2006 at Lahore vide hearing notice dated November 17, 2006.

3. On the date of hearing Mr. Abdul Shabeer, Manager Finance/Director of the undertaking appeared before the Authority as authorized representative and argued the case. He submitted that the office address of the undertaking was changed and, therefore, the letters and Show Cause Notice of the Authority were not received by the undertaking. The Authority pointed out that the letters and Show Cause Notice were dispatched to the undertaking on the same address on which its letter dated June 18, 2005 was dispatched which was received by the undertaking and also acknowledged vide its letter dated June 23, 2005. The Authority also pointed out that the authority letter presented by him for appearing before it also contains the same address. The representative submitted that the undertaking is maintaining that office as its new premises are under construction but sometimes the correspondence does not reach to the management due to lack of diligence of the receiving person. He, however, apologized and advised that the registration of the distribution agreement will be done by December 12, 2006.

4. The Authority, after considering the facts of the case and submissions of the authorized representative concluded the default of the undertaking as willful and imposed a penalty of Rs 100,000/- on it. The undertaking is required to deposit the penalty under the relevant head of account and to furnish original paid challan to the Authority within fifteen days from the date of receipt of the Order. The undertaking is also required to apply for registration of its Standard Distribution Agreement by that 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-  
(Abdul Ghaffar)  
Member

**Islamabad the December ,2006**