

Islamabad, the 24 August, 2021

NOTIFICATION

S.R.O. 1062(I)/2021.- In exercise of the powers conferred by sections 3 and 4 of the Price Control and Prevention of Profiteering and Hoarding Act, 1977 (XXIX of 1977), the Federal Government is pleased to make the following Order, namely:-

1. Short title and commencement.- (1) This Order shall be called the Price Control and Prevention of Profiteering and Hoarding Order 2021.

(2) It shall come into force at once.

2. Definitions.- (1) In this Order, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Price Control and Prevention of Profiteering and Hoarding Act, 1977 (XXIX of 1977);
- (b) "Deputy Commissioner" means the Deputy Commissioner of the district concerned and includes the Additional Deputy Commissioner exercising powers and performing functions of Deputy Commissioner;
- (c) "Division concerned" means the Division to which business of the Act stands allocated;
- (d) "essential commodity" means an essential commodity as defined in the Act;
- (e) "Government" means the Federal Government;
- (f) "national emergency" means situation of uncontrolled price hike with average increase of not less than thirty-three per cent in price from the immediately preceding year and also includes a situation of war, famine or natural calamity;

- (g) "price of an essential commodity" means the price of an essential commodity as fixed under this Order;
- (h) "representative" includes any trade association registered under the Trade Organization Act, 2013 (II of 2013) dealing with production, sales or import of such good;
- (i) "sale" shall have the same meaning as assigned thereto in the Sale of Goods Act, 1930 (III of 1930); and
- (j) "Schedule" means the Schedule to the Act.

(2) The words and expressions used but not defined in this Order shall have the same meaning as assigned thereto in the Act.

3. Controller General of prices and supplies.— Without prejudice to the powers of Controller General exercisable by any other officer appointed as such under this Order,-

- (a) the Secretary of the Division concerned shall exercise the powers of Controller General under this Order in respect of the commodities specified in PART I of the Schedule; and
- (b) in respect of the commodities specified in PART II of the Schedule, the Secretary of the Division to which business of national food security and research stands allocated shall exercise the powers of Controller General under this Order; and
- (c) in respect of the commodities specified in PART III of the Schedule, the Secretary of the Interior Division to the extent of Islamabad Capital Territory and the Secretary or Director of the industries department of the concerned Provincial Government to the extent of the province and the Deputy Commissioner of the concerned district to the

extent of the district, shall exercise the powers of Controller General under this Order.

4. Powers and functions of Controller General.- (1)

For the purpose of exercising powers and performing functions under the Act and this Order, a Controller General in his respective jurisdiction may-

- (a) seek monthly or periodical statements or record from a producer, dealer, importer or their representatives as and when required;
- (b) enter and search any premises of any trade association registered as such under the Trade Organizations Act, 2013 (II of 2013) and verify the information provided by such association;
- (c) seek documents or record from third parties for the purposes of this Order and such third parties shall provide the necessary assistance;
- (d) fix the price of an essential commodity for any category or tier of available brands in the case of differentiated commodities, after completing the procedure provided for in the Act and this Order; and
- (e) seek record and assistance of relevant organizations including the Federal Board of Revenue, the Securities and Exchange Commission of Pakistan and the Competition Commission of Pakistan for the purpose of fixation of the price of essential commodities and such assistance shall be rendered within the timelines as the Controller General may direct.

5. Fixation of price.- (1) The Controller General shall within his respective jurisdiction under this Order have power to fix price of an essential commodity-

- (a) *suo moto* by recording reasons thereof;
- (b) in case of a national emergency;
- (c) on the directions of the Federal Government; or
- (d) on request made by the Chief Secretary of a province.

(2) While fixing the price of an essential commodity, the Controller General under this Order-

- (a) shall use the cost plus method to arrive at a fair price, which may include employing one or more standard approaches to determine reasonable estimates for the costs of production and values of other associated components such as revenue generating by-products; or
- (b) if for any reason the cost plus method cannot be employed, or is not suitable for the correct determination of price, may use any standard method including comparable prices, re-sale price method, profit split method, etc.

(3) The Controller General may, where it is necessary, outsource the costing of the essential commodity in question to an agency or firm in accordance with the laws for the time being in force.

(4) The Controller General, when intending to fix or revise a fixed price of an essential commodity, may issue a notice to the concerned producers, dealers or importers in respect of the essential commodity in question, of his intention, providing a specified timeframe to offer their views, along with relevant documents, data and information, as to a reasonable price.

(5) After receipt of the views under sub-paragraph (4) or otherwise, as the case may be, the Controller General may hold a consultative meeting with the representatives of the relevant producers, dealers or importers as well as with such departments as may be deemed appropriate to reach an estimate for a fair maximum price.

(6) Upon completion of process as prescribed in sub-paragraphs (4) and (5), the Controller General shall notify the price of the essential commodity in question through an order in writing, specifying therein the maximum price fixed and the period for which it is being fixed.

(7) The Controller General may review or extend the period of the order under sub-paragraph (6) if the circumstances so demand by recording reasons in writing.


6. Appeal.— (1) Any producer, dealer or importer, if aggrieved by an order of a Controller General, may prefer an appeal within three working days of the order to an appellate committee comprising two federal secretaries nominated by the Cabinet Division in case of the Federal Government and an appellate committee of two provincial secretaries constituted by Chief Secretary of the province concerned in case of a province or district.

(2) An appeal under sub-paragraph (1) shall be decided by the concerned appellate committee within five working days after providing the appellant an opportunity of being heard.

7. Summary procedure in national emergency.— Notwithstanding anything contained in this Order, in case of national emergency or where the public interest so demands, a Controller General may for a period of not exceeding forty-five days fix the price of an essential commodity on the basis of available data and may immediately after fixing the price adopt procedure prescribed in this Order for revising the price.

8. Contravention.— Any person who contravenes any order made under section 3 of the Act or a notification issued or order made under section 6 thereof shall be punishable in accordance with the provisions of the Act.

[No.4(2)/2021-CA]


(Saira Imdad Ali)
Joint Secretary (PSD)