

The Gazette  **of Pakistan**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, AUGUST 12, 2023

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 12th August, 2023

No. F. 22(30)/2023-Legis.— The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 11th August, 2023, is hereby published for general information: —

ACT NO. LVI OF 2023

AN

ACT

to provide for the establishment of a comprehensive regime in Pakistan for the swift and effective resolution of disputes relating to the export and import of goods and services including import and export through e-commerce

WHEREAS, it is essential, for the promotion of trade in Pakistan, protection of all trading interests and improvement of Pakistan's standing internationally, that there shall be established an effective dispute resolution regime for the swift, efficient and effective resolution of international trade disputes through negotiations, determinations, alternative dispute resolution mechanisms and referral of disputes to commercial benches;

(717)

Price : Rs. 40.00

WHEREAS, it is necessary that such dispute resolution regime should be comprehensive and flexible encompassing a full range of dispute resolution methods, cooperation and assistance from the relevant government bodies as well as consistent with internationally accepted standards; and that such a regime should be equipped with in exclusive supervisory and enforcement jurisdiction and a streamlined procedure to carry out the purposes of this Act:

AND WHEREAS, it is necessary to constitute a trade dispute resolution commission to perform and execute the functions outlined in this Act with the possibility of performing the same functions with regard to domestic trade disputes in the future, as may be prescribed at a later time.

It is hereby enacted as follows:-

PART-I *Introduction and Scope*

1. **Short title, extent and commencement.**— (1) This Act shall be called the Trade Dispute Resolution Act, 2022.

(2) It shall extend to the whole of Pakistan.

(3) This Act shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

(1) **“arbitration”** means any arbitration pursuant to section 48;

(2) **“arbitration agreement”** means an agreement made by parties to submit to arbitration pursuant to section 48 in all or certain disputes which have arisen or may arise between them in respect of a defined legal relationship whether contractual or not;

(3) **“arbitrator”** means a sole arbitrator or a panel of arbitrators;

(4) **“black-listed party”** means a party which does not comply with the findings of TDRC given in its Final Determination and being declared black-listed by the Commission through an order;

(5) **“commercial bench”** means a commercial bench of the High Court as constituted pursuant to section 51 or otherwise in existence;

(6) **“Commission” or “TDRC”** means the Trade Dispute Resolution Commission constituted under this Act;

- (7) **“complaint”** means an application filed by a party with the Commission for the resolution of a trade dispute;
- (8) **“conciliation”** means a process, whether referred to by the expression conciliation, mediation or an expression of similar import, whereby parties request a third person or persons to assist them in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relationship. The conciliator does not have the authority to impose upon the parties a solution to the dispute;
- (9) **“conciliator”** means a sole conciliator or two or more conciliators as the case may be;
- (10) **“costs of arbitration”** means the cost of arbitration including, but not limited to, the fees and expenses of the arbitrator, the legal and other expenses of parties and any other expenses related to the arbitration;
- (11) **“Chairman”** means the Chairman of the Commission;
- (12) **“dispute”** includes any trade dispute as defined wider section 3(2) of the Act;
- (13) **“division concerned”** means the division to which business of this Act stands allocated;
- (14) **“e-commerce”** means electronic commerce and is understood to mean the production, distribution, marketing, sale or delivery of goods and services by electronic means;
- (15) **“export”** is as defined in the Imports and Exports (Control) Act, 1950 (Act No. XXXIX of 1950);
- (16) **“expert”** means a person appointed by the Commission under section 18(2) of the Act;
- (17) **“final determination”** has the meaning set out in section 35 of the Act;
- (18) **“freeze”** includes any attachment, sealing, prohibiting, holding, controlling or managing of any property either through a receiver or otherwise add in case it is deemed necessary the disposal thereof by sale or through auction;

- (19) **“goods”** includes without limitation any tradable item, raw material, product or byproduct which is sold for consideration and has an actual or potential customs classification;
- (20) **“guidelines”** mean the Guidelines as may be prescribed by the Commission from time to time;
- (21) **“ICC”** means the International Chamber of Commerce;
- (22) **“interim determination”** means the interim determination issued under section 36;
- (23) **“import”** shall have the same meaning as assigned thereto in the imports and Exports (Control) Act, 1950 (Act No. XXXIX of 1950)
- (24) **“judge”** unless otherwise provided, means a judicial member of a commercial bench;
- (25) **“judgment”** means any decision on the merits given by a court, whatever it may be called, including a decree or order, and a determination of costs or expenses by the court, and including interim measures of protection;
- (26) **“list of black-listed parties”** means a list of black-listed parties maintained by TDRC as provided in section 53;
- (27) **“member”** means a member of the Commission and includes the Chairman;
- (28) **“New York Convention”** means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards signed at New York on 10th June 1958 as implemented into the law of Pakistan by the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011 (Act No. XVII of 2011), and any amendment, modification or re-enactment of the same;
- (29) **“party” or “parties”** includes any person directly related to a trade dispute;
- (30) **“person”** includes, in case of a company or body corporate, the sponsors, chairman, chief executive, managing director by whatever name called and guarantors of the company or body corporate and in the case of any firm, partnership or sole proprietorship the partners, proprietor or any person having any

interest in the said firm, partnership or proprietorship concern or direction or control thereof;

- (31) **“prescribed”** means prescribed by rules or regulations made under this Act;
- (32) **“property”** means any or all movable and immovable properties situated within or outside Pakistan;
- (33) **“regional conciliation committee”** means a committee constituted under section 43;
- (34) **“regulations”** means the regulations made under this Act;
- (35) **“rules”** means the rules made under this Act;
- (36) **“secretary”** means the secretary appointed under section 27;
- (37) **“services”** means, without limitation, a service of whatever type or any description whether industrial, trade, professional or otherwise;
- (38) **“trade body”** means any entity registered for the purpose of managing trading matters or registered under the Trade Organizations Act, 2013 (II of 2013);
- (39) **“trade dispute”** has the meaning set out in sub-section 2 of section 3;
- (40) **“UNCITRAL”** means the United Nations Commission on International Trade Law;
- (41) **“UNCITRAL Conciliation Rules”** means the Conciliation Rules adopted by the General Assembly of the United Nations through Resolution 35/52 on the 4th December, 1980, as amended from time to time;
- (42) **“UNCTAD”** means the United Nations Conference on Trade and Development;
- (43) **“website”** means the website officially maintained by TDRC;
- (44) **“WIPO”** means the World Intellectual Property Organization; and
- (45) **“WTO”** means the World Trade Organization.

3. **Scope of application.**— (1) The powers conferred by this Act may be exercised in relation to any trade dispute as defined in sub-section (2).

(2) For the purposes of this Act, a trade dispute means any dispute or complaint concerning, relating to or arising out of the export and import of goods and services, including disputes arising with the carrier of the goods, export and import through e-commerce, conducted wholly or partially in or otherwise connected with the territory of Pakistan.

(3) Any of the provisions in this Act may also be applied by agreement of all parties to any existing or future trade dispute without any restriction as to territory.

(4) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

4. **Non-intervention.**— Notwithstanding anything contained in any other law for the time being in force in matters governed by this Act, no court or tribunal may intervene except in the manner as provided by this Act.

PART-II

The Trade Dispute Resolution Commission (TDRC)

5. **Constitution of the Commission.**— (1) The Federal Government shall, by notification in the official Gazette, establish a Commission to be called the Trade Dispute Resolution Commission.

(2) The Commission shall be a body corporate with perpetual succession and common seal, and may sue and be sued in its own name and, subject to and for the purpose of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy moveable and immoveable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with any moveable or immoveable property or any interest vested in it, upon such terms as it deems fit.

6. **Head office.**— The head office of the Commission shall be at Islamabad and the Commission may establish and close down offices at such other places in Pakistan as it considers necessary, subject to the approval of the division concerned.

7. **Exclusive jurisdiction of the Commission.**— (1) Within Pakistan, the Commission as constituted under this Act shall have exclusive jurisdiction over all matters with respect to this Act, including all issues concerning its interpretation and application.

(2) Where parties have agreed that disputes between them in respect of a defined legal relationship, whether contractual or not, shall be referred to the

Commission under this Act, then such disputes shall be settled in accordance with the provisions of this Act.

8. Composition of the Commission.— (1) The Commission, constituted under sub-section (1) of section 5, shall consist of five members to be appointed by the Federal Government.

(2) Federal Government may, by notification in the official Gazette, increase or decrease the number of members, from time to time, as it may consider appropriate.

(3) The division concerned shall, from amongst the Members of the Commission, appoint the Chairman.

(4) No act or proceeding of the Commission shall be invalid by reason of absence of a member or existence of any vacancy among its members or defect in constitution thereof.

9. Qualification and eligibility of the Commission.— (1) No person shall be appointed as member unless he—

(a) is a citizen of Pakistan;

(b) is holder of master's degree or sixteen years of education in international trade, economics, accountancy, tariffs and trade, international commerce, business law and commercial law or any trade related field;

(c) have at least twenty years of professional work experience in international trade, economics, accountancy, tariffs and trade, international commerce, business law and commercial law or any trade related field; and

(d) is not less than forty-five years of age and not exceeding sixty-two years of age at the time of employment.

(2) Members be chosen from both the public and private sectors, whereby a minimum of two members shall be selected from the private sector and a minimum of three members shall be selected from the public sector including retired Government servants or in-service officers.

(3) Every member shall be employed with the Commission on full time basis.

10. Disqualification.— (1) No person shall be appointed or continue as member or an employee of the Commission, if such person—

- (a) has been convicted of an offence involving moral turpitude; or
- (b) has been or is adjudged insolvent; or
- (c) is incapable of discharging his duties by reason of physical, psychological or mental unfitness and has been declared so by a registered medical practitioner appointed by the division concerned; or
- (d) fails to disclose any conflict of interest or fails to do so within the due time reasonable provided for such disclosure by or under this Act or any rules, regulations or guidelines prescribed from time to time; or
- (e) is guilty of misconduct; or
- (f) ceases to be citizen of Pakistan.

11. **Chairman.**— (1) The Chairman shall be the chief executive of the Commission and shall be responsible, along with the members of the Commission, for the swift execution of all functions and affairs of the Commission.

(2) The Chairman may, by general or special order in writing, subject to such limitations, restrictions or conditions as may be specified therein, delegate all or any of his powers and functions to any member or the secretary, including the powers delegated to him under section 26.

12. **Acting Chairman.**— At any time when the position of the Chairman is vacant, or the Chairman is unable to perform his functions due to any cause, the division concerned shall appoint any member of the Commission to be acting Chairman of the Commission until the appointment or return of a Chairman on regular basis.

13. **Term of office.**— (1) The Chairman and members of the Commission shall be appointed for a term of three years on such salary, terms and conditions of service as may be prescribed by rules but not be less than the MP-I scale of the Government. The tenure of employment will be extendable for another three years on satisfactory performance or if necessary—subject to the approval of the division concerned.

(2) The Chairman and members shall be eligible for re-appointment for such term or terms but shall cease to hold office on attaining the age of sixty-five years or the expiry of the term, whichever is earlier.

14. **Removal of members.**— (1) Subject to sub-section (2), the appointment of any member or the Chairman may, at any time, be revoked and he may be removed from his office in prescribed manner if it is found that such person has become disqualified under sub-section (1) of section 10.

(2) Unless a disqualification referred to in sub-section (1) arises from the judgment or order of a court or tribunal of competent jurisdiction under any relevant provision of applicable law, a member or the Chairman shall not be removed or his appointment shall not be revoked without an enquiry by an impartial person or body of persons constituted in accordance with such procedure as may be prescribed by rules and after providing a reasonable opportunity to the member or the Chairman to be heard in defense.

(3) A member or the Chairman may resign from his office at any time by notice in writing addressed to the division concerned.

(4) A vacancy in the Commission caused by the death, resignation or removal of any, member or the Chairman shall be filled within thirty days of the occurrence of such vacancy.

15. **Trade Dispute Resolution Fund.**— (1) There shall be established a non-lapsable fund to be known as the Trade Dispute Resolution Fund which shall vest in the Commission, and shall be utilized by the Commission, as may be necessary, for the purpose of carrying out its functions under this Act and for the welfare of the employees of the Commission.

(2) The Fund shall consist of—

- (a) five hundred million Rupees as initial seed money by division concerned;
- (b) yearly budgetary allocations or grants by the division concerned;
- (c) aid and donations from national or international agencies with the approval of the division concerned;
- (d) revenue earned from the levy of charges, fees, penalties, etc;
- (e) income and profits derived from investments;
- (f) all other sums which may in any manner become payable to or vested in the Commission; and
- (g) any fees or charges that the Commission may charge from other regulatory agencies for expertise rendered in a particular field.

(3) The Commission may levy such charges or fees for services and facilities as may be prescribed from time to time.

(4) The Commission may subject to the Public Finance Management Act, 2019 open and maintain accounts, in local and foreign currency, in any scheduled bank in Pakistan.

16. **Accounts and audit.**— (1) The Commission shall cause proper accounts to be kept and, as soon as, practicable after the end of each financial year, shall cause to be prepared for that financial year a statement of accounts which shall include a balance sheet and an account of income and expenditure.

(2) Within sixty days after the end of each financial year, the Commission's annual financial statements shall be audited by the Auditor-General of Pakistan or by a firm of chartered accountants nominated by the Auditor-General of Pakistan.

(3) The auditors shall make a report to the Commission upon the balance sheet and accounts and in such report they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the affairs of the Commission and, in case they have called for any explanation or information from the Commission, whether it has been given and whether it is satisfactory.

17. **Annual report.**— Within ninety days from the end of each financial year, the Commission shall submit to the division concerned an annual report of its work and activities including all reports on negotiations, referrals, determinations, advocacies conducted, training and policy recommendations.

18. **Appointments by Commission.**— (1) The Commission may appoint such officers, officials, advisers and consultants, etc. as it considers necessary to exercise such powers and perform such functions as may be prescribed by the Commission.

(2) The Commission may from time to time, by notification in the official Gazette on such eligibility criteria, method of appointment and on such terms and conditions as may be prescribed by regulations, appoint two experts for the purposes of resolving any dispute which required the appointment of such experts if so required by the Commission.

(3) The Commission may, by notification in the official Gazette, make regulations in respect of the terms and conditions of service of its employees, officers, officials, advisers and consultants.

19. **Meetings of Commission.**— (1) Subject to this section, the Chairman may convene such meetings of the Commission at such times and places as he considers necessary for the efficient performance of the functions of the Commission.

(2) The Chairman shall preside at every meeting of the Commission and in the absence of Chairman, members present may elect among themselves a member to preside at the meeting.

(3) At any meeting of the Commission, the quorum shall be fifty percent of the members present and a fraction shall be rounded as one.

(4) All questions arising at any meeting of the Commission shall be determined by a majority of votes of the members present and voting.

(5) In the event of an equality of votes, the Chairman or member presiding shall have a casting vote.

(6) Subject to the provisions of this Act, the Chairman may give directions regarding the procedure to be followed at or in connection with any meeting of the Commission.

20. **Disclosure of interest by members.**— (1) For the purpose of this and the next following section, a person shall be deemed to have an interest in a matter if he has any interest, pecuniary or otherwise, in such matter which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.

(2) A member having any interest in any matter to be discussed or decided by the Commission shall, prior to any discussion of the matter, disclose in writing to the Commission the fact of his interest and the nature thereof.

(3) A disclosure of interest under sub-section (2) shall be recorded in the minutes of the Commission, prior to any discussion of, or decision on, the matter and, after the disclosure, the member—

(a) shall not, save in the cases provided in sub-sections (4) to (6), take part nor be present in any deliberation or decision of the Commission; and

(b) shall be disregarded for the purpose of constitution of a quorum of the Commission.

(4) If a member is not the Chairman and the Chairman becomes aware that a member has a conflict of interest, the Chairman shall,—

- (a) if he considers that the member should not take part, or continue to take part, as the case may require, in determining the matter, direct the member accordingly; or
- (b) in any other case, cause the member's interest to be disclosed to the persons concerned in the matter including any person whose application is pending decision or adjudication by the Commission, the member in respect of whom a direction has been given under clause (a) shall comply with the direction.

(5) If the member is the Chairman, he shall disclose his interest to the persons concerned in the matter including any person whose application is pending decision or adjudication by the Commission.

(6) Subject to sub-section (4), the Chairman or the member who has any interest in any matter referred to in this section shall not take part, or continue to take part, as the case may require, in determining the matter unless everyone concerned consents to the Chairman or, as the case may be, the member so taking part.

21. Conflict of interest by staff of Commission.— (1) Where a person who, in the course of—

- (a) performing a function, or exercising a power, as an officer of the Commission;
- (b) performing functions or service as an employee; or
- (c) performing a function or services in any capacity by way of assisting or advising the Commission, or any officer of the Commission, is required to consider a matter in which he has an interest,

such person shall forthwith give to the Commission a written notice stating that he is required to consider the matter and has an interest in it and setting out particulars of the interest.

(2) The person referred to in sub-section (1) shall also declare his interest in accordance with the said sub-section whenever it is necessary to avoid the conflict of interest.

22. Officers and employees, etc., to be public servants.— The Chairman, members and employees of the Commission authorized to perform any function or exercise any power under this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

PART-III***Functions and powers of the Commission***

23. **Functions of the Commission.**— (1) Subject to this Act, the Commission shall be responsible for performance of following functions, namely:-

- (a) initiation of proceedings in relation to trade disputes that may arise between parties and make orders and determinations in such manner and form as may be prescribed;
- (b) provision of a comprehensive regime for the swift and effective resolution of disputes relating to the international trade in goods and services, including—
 - (i) provision and facilitation of a forum for negotiations, referral and allocation system, as provided in this Act, to allow and facilitate local and foreign importers and exporters access to a range of mechanisms;
 - (ii) the issuance of final determination by the Commission itself;
 - (iii) conciliation in accordance with UNCITRAL Conciliation Rules;
 - (iv) arbitration in accordance with the Arbitration Act, 1940, (Act No.X of 1940) as amended from time to time;
 - (v) resolution of a trade dispute by a commercial bench of the High Court in accordance with Part VIII of this Act; and
 - (vi) other co-operation and assistance by the Commission or representative offices, embassies and missions abroad or otherwise.
- (c) rendering advice to parties in relation to any proposed action to be taken by such parties and ensuring that such actions are coherent and consistent with the provisions of this Act, rules, regulations or guidelines made hereunder;
- (d) monitoring of the conduct of dispute resolution mechanisms and intervention in the event of delay;
- (e) maintaining the highest standards of integrity amongst all mediators, conciliators and arbitrators;

- (f) establishing and promoting arbitration and alternative dispute resolution institutions within Pakistan; and
- (g) maintaining a collated database of all the chambers of commerce in the country as well as of the trade bodies and registering any disputes that have been filed with these trade bodies.

(2) The Commission shall promote fair trade through advocacy which, among others, shall include—

- (a) reviewing existing trade policy framework in relation to strategic policies that are being implemented at a state level and making such beneficial recommendations to the division concerned;
- (b) to engage in capacity-building, training and consultation services for the development and promotion of international standards and best practices in international trade, dispute resolution and all matters incidental thereto.

The Commission shall endeavor to train commercial counselors and community welfare attaches deputed abroad so that they are equipped to handle disputes or any matters related thereto whose performance shall be monitored and evaluated from time to time;

- (c) holding seminars and workshops addressing the trade dispute issues in Pakistan and harvesting an environment of open debate on regulating commercial behavior of stakeholders, which will improve the trade relationships with other countries; and
- (d) ensuring that the Commission's website shall post information pertaining to all sessions and workshops, rules, regulations and any guidelines that the Commission may issue for the benefit of the public at large.

(3) Subject to this Act, the Commission shall take all measures necessary—

- (a) to facilitate and enhance international trade involving local and foreign entities;
- (b) to bridge the trust deficit between local and foreign businessmen through providing parties a forum for an effective and efficient dispute resolution mechanism;
- (c) to improve the international standing and reputation of Pakistan in matters of trade, as a reliable trading destination;

- (d) to further develop and harness a mutually beneficial trade relationship between TDRC and its counterparts and in other countries; and
- (e) to ensure that any disputes that may arise between parties are resolved in such manner and form as may be prescribed from time to time.

24. **Power to acquire information.**— (1) The Commission shall have the power, on its own motion, to solicit or call upon any information in relation to any proceedings at hand, for the purposes of executing its functions, from any ministry, division, Federal or Provincial department, trade body, private or public entity, etc.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, any confidential information obtained or received, directly or indirectly, by the Commission pursuant to or in connection with any proceedings before it, shall not be subject to disclosure to any ministry, department, division, agency or on direction of the division concern, without the prior consent of the party submitting such information.

(3) Except as otherwise provided by this Act, or any law in force, or order of the court, the Commission, shall give access to information to parties, in such manner and form as may be prescribed.

25. **Power of the Commission as civil court.**— (1) For the purpose of performing its functions under this Act and the rules made there-under, the Commission shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), with respect to the following matters, namely:—

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) enforcing the supply of any document or instrument, either in hard copy or electronic format;
- (c) requisitioning any document or instrument which is available in the public record from any court or office; and
- (d) accepting evidence on affidavits.

(2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860) and the Commission shall be deemed to be a

Civil Court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

26. **Delegation of powers.**— The Commission may, by general or special order in writing subject to such limitations, restrictions or Conditions as may be specified therein, delegate all or any of its powers and functions to one or more of its members or one or more of the officers, employees, experts, consultants or agents of the Commission and the Commission may at any time revoke such authority at its own discretion:

Provided that powers conferred under sections 60, 61 and 62 shall not be delegated under this section.

27. **Administration and secretariat of the Commission.**— (1) The trade dispute resolution organization (TDRO) shall be the secretariat of the Commission and the executive director general TDRO shall be *ex-officio* secretary of the Commission.

- (2) The secretary to the Commission shall—
- (a) hold in custody, at all material time, the records and seal of the Commission;
 - (b) ensure the timely payment of salaries and allowances of officers, experts, consultants and employees of the Commission;
 - (c) propose budget estimates to the Commission and take such actions to ensure that the Commission is satisfied with the same;
 - (d) receive applications filed by parties and ensure that the same are presented to the Commission for review, in a timely manner; and
 - (e) perform all other functions and duties as may be prescribed, from time to time.

PART-IV

Referral, Allocation and Proceedings for Dispute Resolution

28. **Referral of trade disputes to the Commission.**— (1) Any trade dispute—

- (a) within the scope of application of this Act as set out in section 3; and

- (b) involving claims of not less than the minimum value, in cash or kind, as prescribed from time to time in the rules, may be referred to the Commission by any party or parties, to the dispute, in accordance with section 29, for resolution under this Act.

(2) Where a party to the dispute is located outside Pakistan, it may make a referral pursuant to sub-section (1) to the Pakistan embassy or mission, abroad, which shall be empowered to collect all relevant documentation and facilitate the party in filing the dispute with the Commission.

(3) The Commission shall be entitled to refuse any referral, if—

- (a) any requirements of this Act have not been satisfied;
- (b) the existence of competing proceedings elsewhere, or the availability of a competent forum elsewhere, renders acceptance of a referral inappropriate; or
- (c) the claim is manifestly frivolous or abusive, or involves any fraud, illegality or other wrongdoing.

29. Requirement of a written application.— (1) A trade dispute complaint shall only be accepted under section 28, if it is made through a written application by one or more parties to the dispute.

(2) An application under sub-section (1) shall—

- (a) be submitted to the Commission in such manner, number and form and with such fee as may be prescribed by regulations;
- (b) include supporting evidence for the claim made by the party, as is reasonably available to the applicant; and
- (c) contain such further information as may be prescribed.

30. Review of the complaint.— (1) The Commission shall examine the application to determine whether it is compliant with the requirements of section 28 read with section 29 and the evidence provided with the application is sufficient to establish a *prima facie* case to justify the initiation of dispute resolution proceedings as provided under this Act.

(2) An application shall be rejected as soon as the Commission is satisfied that sufficient evidence is not available to initiate dispute resolution mechanism. The Commission shall, for rejection of the application, provide detailed written reasons to the applicant.