



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF TRADE ORGANISATIONS
MINISTRY OF COMMERCE
State Life Building No. 7, 2nd Floor,
Blue Area, Islamabad



F. No. 6(11)/2013-TO

Islamabad, the September 09th, 2013

ORDER IN ORIGINAL NO. 08/2013

Passed by Mr. Javed-ul-Hassan Qureshi, Regulator of Trade Organizations

NB: Section 21, Sub-Section 2 of Trade Organizations Act, 2013 stipulates that any person or trade organisation aggrieved by any decision or order of the Regulator may, within fourteen days of communication of such decision or order, prefer appeal to the Federal Government whose decision, subject to sub-section (4), shall be final.

M. Tariq Afsar, Chief Executive, Clean Gas CNG Station, Railway Road, Haripur and others

Versus

Election Commission of Haripur Chamber of Commerce and Industry

Present in the hearing on 06-09-2013:

i) Shaikh Zahid Hassan, M.D. Habib Carpet (Pvt) Ltd.
Karachi

.....**Petitioner**

ii) Mr. Shahid Rashid, Chairman, PCMEA

.....**Respondent**

Date of Hearing: **23-08-2013**

Place of Hearing: **OFFICE OF REGULATOR OF TRADE ORGANIZATIONS
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS,
STATE LIFE BUILDING No. 7, 2ND FLOOR, BLUE AREA,
ISLAMABAD.**

Date of issuance of Order: **23-08-2013**

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By this Order, I intend to dispose of appeals filed by Malik Farid of M/s Olympics Socks & Textiles Pvt Ltd and M. Tariq Afsar of M/s Clean Gas CNG station, Haripur against decision of Election Commission of Haripur Chamber of Commerce and Industry.

Brief Facts:

2. Brief facts of above referred appeals are that nomination papers of appellant as candidate for Executive Committee as Corporate Members were rejected by the Election Commission of Haripur Chamber of Commerce and Industry stating that they don't fulfill the criteria mandatory for becoming corporate members as annual turnover of appellant is less than 50 million Rupees.

3. The appellants alleged that their nomination papers were rejected in violation of Rule 2 of Trade Organizations Rules, 2013 as they are body corporate and sales tax registered manufacturing concern and annual turnover above 50 million only applies to sales tax business concern having annual turnover above 50 million.

4. The appellants further alleged that Election Commission of Haripur Chamber of Commerce and Industry has not been constituted in line with Rule 17 of Trade Organizations Rules, 2013. Two members of Election Commission remained two members of Executive Committee in the preceding two years.

5. In order to adjudicate upon the subject appeals, appellants and respondents were directed to appear before the Regulator of Trade Organizations on 06-09-2013 in his Office located at State Life Building No. 7, 2nd Floor, Blue Area, Islamabad. According both the parties appeared before the Regulator of Trade Organizations.

6. The appellant's reiterated the stance taken in their appeals. Chairman of Election Commission stated that appellants did not fulfill the criteria required to become Corporate Members as annual turnover of both the appellants is less than 50 million Rupees. The Chairman Election Commission conceded that two members of Election Commission in two preceding two years.

Sub Rule g of Rule 2 of Trade Organizations Rules, 2013 stipulates that:

“Corporate Member” means a member of a trade organizations which is either a body corporate or a multinational corporate with its head office or branch office in Pakistan or a sales-tax registered manufacturing concern or

a sales-tax-registered business concern having annual turn-over of not less than fifty million Rupees.

7. It may be appreciated from the above that annual turn-over of 50 million only applies to sales tax registered business concern. However, this condition is not applicable to body Corporate or a multinational corporate with its head office or branch office in Pakistan or a sales-tax registered manufacturing concern Sub Rules “c” of Rule 16 of Trade Organizations Rules, 2013 stipulates that:-

“the members of the commission, so appointed, have not held any office of the respected trade organization for the preceding two years;

ORDER:-

8. After perusing the record and taking into consideration of relevant provisions of Law, Haripur Chamber of Commerce and Industry is directed to:-

- i). Accept nomination papers of Malik Farid of M/s Olympics Socks & Textiles Pvt Ltd and M. Tariq Afsar of M/s Clean Gas CNG station and to restore the membership of Malik Farid as Corporate Member.
- ii). The Chamber is further directed to reconstitute the Election Commission, however, Election of Haripur Chamber of Commerce and Industry shall be conducted in line with Election Schedule already announced by the Chamber.

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Regulator (TO)

Announced Dated:- 09 -09-2013.