



**Government of Pakistan
Directorate General of Trade Organizations
(Office of Regulator of Trade Organizations)
Ministry of Commerce and Textile Industry,
State Life Building No. 7, 2nd Floor, Blue Area,
Islamabad.**



**Most Immediate
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F. No. 6(11)/2013-TO

Islamabad, the September 10th, 2013

ORDER IN ORIGINAL NO. 10/2013

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

M. Tariq Afsar, Chief Executive, Clean Gas CNG Station, Railway Road, Hairpur and Others

Versus

Election Commission of Haripur Chamber of Commerce and Industry

Present in the hearing on 06-09-2013:

- | | |
|---|----------------------|
| i) Malik M. Fareed of M/s Olympics Socks and Textiles, Chaklala Rawalpindi Cantt. |
.....Appellants |
| ii) M. Tariq Afsar of M/s Clean Gas, CNG Station, Haripur | |
| i) Muhammad Arif Malik, Secretary General (HCC&I) |
.....Respondents |
| ii) Mohammad Sharif, Chairman Election Commission (HCC&I) | |

Date of Hearing: **06-09-2013**

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: **10-09-2013**

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 decisions of Election Commission of Haripur Chamber of Commerce and Industry.

Brief Facts:

2. Brief facts of above referred appeals are that nomination papers of appellants as candidates for Executive Committee in Corporate class 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 appellants was less than 50 million Rupees.

3. The appellants alleged that their nomination papers were rejected in violation of Clause (g) of Sub Rule 1 of Rule 2 of Trade Organizations Rules, 2013 as annual turnover above 50 million Rupees only applies to sales tax registered business concern.

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. Moreover, two members of Election Commission have remained members of Executive Committee in the preceding two years, thus they were not qualified to be appointed as members of the election commission.

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. Accordingly, both the parties appeared before the Regulator of Trade Organizations.

6. The appellants reiterated the stance taken in their appeals. The Chairman of Election Commission confirmed that appellants did not fulfill the criteria required to become Corporate Members as annual turnover of both the appellants was less than 50 million Rupees. The Chairman Election Commission conceded that two members of Election Commission have served on the Executive Committee in the preceding two years.

7. Clause (g) of Sub Rule 1 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”.

8. It may be appreciated from the above that annual turn-over of 50 million Rupees only applies to sales tax registered business concern. However, this condition is not applicable to body Corporate or a multinational corporation with its head office or branch office in Pakistan or a sales-tax registered manufacturing concern.

9. 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:-

10. After perusing the record and taking into consideration 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;
- ii). The Executive Committee of HCC&I 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 and
- iii). Haripur Chamber of Commerce and Industry will submit implementation report with regard to above indicated two directions to the office of Regulator of Trade Organizations within 05 days of issuance of this order.

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Regulator (TO)

Announced Dated:- 10 -09-2013.