



**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
By Fax/Courier**

F. No. 6(10)/2013-TO

Islamabad, the September 11th, 2013

ORDER IN ORIGINAL NO. 13/2013

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

Sahibzada Muhammad Khan

Versus

Election Commission of Chamber of Commerce and Industry, Quetta

Present in the hearing on 11-09-2013:

- | | |
|---|--------------------------|
| i) Sahibzada Muhammad Khan, Chief Executive, M/s Chiltan Ghee Mills (Pvt) Ltd. Quetta | Appellant |
| i) M. Ahmed Khan, Secretary General, Chamber of Commerce and Industry, Quetta | |
| ii) Haji Abdul Wadood, Chairman, Election Commission of (QCC&I) | Respondents |

Date of Hearing: **11-09-2013**

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: **11-09-2013**

By this order, I intend to dispose of an appeal filed by Sahibzada Muhammad Khan, Chief Executive of M/S Chiltan Ghee Mills (Ptv) Ltd against decision of Election Commission of Chamber of Commerce and Industry Quetta Baluchistan before the Regulator of Trade Organizations under Rule 18(13) of trade Organizations Rules, 2013.

2. Brief facts of the above referred appeal are that nomination paper of appellant was rejected by the Election Commission of Quetta Chamber of Commerce and Industry on the ground that his signature did not match with the specimen submitted to the QCC&I by the appellant. The name of the appellant was also removed from the list of eligible voters without affording him an opportunity of personal hearing.

3. In order to decide the fate of the appeal, notices of personal hearing fixed for 6-9-2013, were served on Secretary General and Election Commission of QCC&I, Baluchistan.

4. During the course of hearing, the appellant reiterated the stance taken in his appeal. While defending the decision, the member Election Commission of QCC&I, Baluchistan stated that appellant's signatures were not matching with the specimen submitted to QCC&I, Baluchistan. However, it was conceded by the Secretary General, QCC&I, Baluchistan that opportunity of hearing was not afforded to the appellant while cancelling his membership.

5. In order to ascertain the veracity of the instant appeal, hearing was adjourned to 10-9-2013 and Secretary General, QCC&I was directed to appear on the said date along with all the relevant record. The Secretary General through fax message informed that flights were not available so that hearing may be postponed. Accordingly, the hearing was adjourned to 11-9-2013 and appellant was also informed.

ORDER:-

6. After hearing the parties at length, perusing the record of the case and taking into consideration the relevant provisions of law, this forum is of the view that

membership of appellant was cancelled without affording him an opportunity of hearing, in violation of due process of law i.e. audi alteram partem. The record also shows that signature of appellant does not differ from the specimen submitted by the appellant to the Chamber.

7. Above in view, Chamber of Commerce and Industry Quetta, Baluchistan is hereby directed to restore the membership of appellant w.e.f. the date when the same was cancelled alongwith all rights and benefits due to him. Furthermore, the said Chamber is also directed to accept nomination papers of the appellant and allow him without any obstruction, to contest the election. Chamber of Commerce and Industry Quetta is directed to furnish an implementation report in Office of the Regulator of Trade Organizations within 03 days of issuance of this order positively.

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Regulator (TO)

Announced Dated:- 11 -09-2013.