



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



**Most Immediate**  
**By Fax/Courier**

F. No. 6(18)/2013-TO

Islamabad, the November 25<sup>th</sup>, 2013

**ORDER IN ORIGINAL NO. 20/2013**

**Passed by Mr. Javed-ul-Hassan Qureshi, Regulator of Trade Organizations**  
**(In exercise of power conferred under Rule 18(7) of Trade Organizations**  
**Rules, 2013) as final forum of Appeal.**

***Mr. Munawar Mughal of Islamabad Chamber of Commerce and Industry***

***Versus***

***Election Commission of Federation of Pakistan Chambers of Commerce***  
***and Industry and others***

**Present in the hearing on 25-11-2013:**

- i) Mr. Munawar Mughal (through Attorney)
- ii) Mr. Majid Shabbir, Secretary General ICC&I

.....Appellants

- i) Ms. Sara Ansari, Secretary General, IWCC&I,
- ii) Ms. Samina Fazil Founder President IWCC&I
- iii) Mr. Naveed Abbassi, (through Attorney)

.....Respondents

Date of Hearing: **25-11-2013**

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

Date of issuance of Order: **25-11-2013**

By this Order, I intend to dispose of an appeal filed by Mr. Munawar Mughal of Islamabad Chamber of Commerce and Industry against the decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry.

2. Brief facts of the appeal are that Islamabad Chamber of Commerce and Industry had nominated Mr. Munawar Mughal as its nominee for Executive Committee of the Federation of Pakistan Chambers of Commerce and Industry (FPCC&I) for the election year 2014. The nomination of appellant was challenged by Islamabad Women Chamber of Commerce and Industry and an associate member of Islamabad Chamber of Commerce and Industry by taking a plea that appellant had remained part of Executive Committee of FPCC&I for 2013 on behalf of Chakwal Chamber of Commerce and Industry; hence he was not eligible to become member of Executive Committee without observing the mandatory break of one year as stipulated in Rule 20(11) of Trade Organizations Rules, 2013.

3. The objections against his nomination were first raised before Secretary General of FPCC&I who rejected the objections and declared his nomination valid. Persons aggrieved by the decision of Secretary General filed representation before the Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCC&I). The Election Commission of FPCC&I overruled the decision of Secretary General and declared nomination of Mr. Munawar Mughal invalid

4. Having felt aggrieved by the decision of Election Commission of FPCC&I instant appeal was filed before the Regulator of Trade Organizations. In order to decide the appeal, all parties concerned with the dispute were directed to appear before the Regulator of Trade Organizations on 25-11-2013 alongwith the relevant record. However, none appeared on behalf of Secretary General and Election Commission of FPCC&I.

5. The attorney on behalf of Mr. Munawar Mughal while pleading his case stated that Islamabad Women Chamber of Commerce and Industry is not an aggrieved party, thus it has no locus standi to contest the case. He also stated that license granted to Islamabad Women Chamber of Commerce and Industry stands expired due to which reason the said Chamber has no right to raise any objection. He further stated that appellant was nominated by Chakwal Chamber of

Commerce and Industry for the year 2013 without any voting right as Chakwal Chamber of Commerce and Industry at that time was a newly established Chamber, therefore it was ineligible to send nomination of any body to FPCC&I for initial period of two years.

6. Secretary General Islamabad Chamber of Commerce and Industry stated that two years valid membership was required to become eligible voter. Any nomination sent by newly licensed Chakwal Chamber of Commerce and Industry was nullity in the eyes of law. He further alleged that FPCC&I, in order to accommodate members of trade bodies, had coined different nomenclature such as “observer” and “a member without voting right”. Usage of such terminology was not at all recognised in Trade Organizations Act, 2013 and Trade Organizations Rules, 2013, therefore Mr. Munawar Mughal on this account is not exposed to bar under Rule 20(11) of Trade Organization Rules, 2013. The Secretary General also stated that Islamabad Women Chamber of Commerce and Industry was not eligible to raise objection on nomination of Mr. Munawar Mughal as the Electoral College for Women Chambers is different from Chambers defined in Rule 20(6)(c) of trade Organizations Rules, 2013. Hence, Islamabad Women Chamber of Commerce and Industry was not an aggrieved person. The Secretary General requested the forum that nomination of Mr. Munawar Mughal may be declared valid.

7. Raja Adeeb Ahmed Advocate, appearing on behalf of Mr. Naveed Abbasi, stated that his client is a member of Islamabad Chamber of Commerce and Industry, hence he is an aggrieved party in the case. The counsel for Mr. Adeeb tendered certain documents indicating that Mr. Munawar Mughal had remained Executive Committee member of FPCC&I during 2013 which fact was also substantiated in the decision of Election Commission of FPCC&I. In addition, he stated that claim of Mr. Munawar Mughal that he was an “observer” in the Executive Committee of FPCC&I is not correct, rather record of FPCC&I clearly shows that he had resigned from Executive Committee membership of FPCC&I on June 15<sup>th</sup>, 2013. The respondent further stated that the appellant had not come with clean hands as he had concealed material fact from FPCC&I at the time of filing his nomination for 2013 and 2014. While concluding his

arguments the counsel stated that appellant was not eligible to become Executive Committee member as his resignation itself suggests that he had participated in the election of FPCC&I during 2013 election.

8. Secretary General, Islamabad Women Chamber of Commerce and Industry stated that her Women Chamber is an aggrieved party as it is eligible to contest election against one of the five seats of Vice President reserved for Chambers including Federal Area. Furthermore, she contended that DGTO Office has since already conveyed to FPCC&I that there were two Chambers operating in the Federal Area, one of which was Islamabad Women Chamber of Commerce and Industry, meaning thereby that Islamabad Women Chamber of Commerce and Industry is eligible to contest the election against the above stated reserved quota meant for the chambers of Federal Area.

9. After hearing both the parties at length, perusing the record and taking into consideration the relevant law and rules, this forum is of the view that Chakwal Chamber of Commerce and Industry, licensed on 15-12-2011 was not eligible to send nomination of Mr. Munawar Mughal for Executive Committee of FPCC&I for 2013, nor was the Federation of Pakistan Chambers of Commerce and Industry required under the law and rules to entertain such a nomination of Mr. Munawar Mughal.

10. In order to further clarify the position reflected in DGTO Office letter No. 17(31)/2008-TO dated 08-10-2013, of which reference had been made several times during the course of proceeding, it is held that undoubtedly Islamabad Chamber of Commerce and Industry and Islamabad Women Chamber of Commerce and Industry are both physically located in the Islamabad Capital Territory which is a Federal Area, however for purposes of election of FPCC&I, both entities have separate electoral colleges and quota, thus encroachment on each other's domain cannot be allowed to defeat the spirit of law & rules.

**ORDER:-**

11. In view of the facts narrated above, this forum has decided that:-

- i). Islamabad Women Chamber of Commerce and Industry having a separate electoral college as per Rule 20(6)(c) of Trade Organizations Rules, 2013, is not an aggrieved party in the instant case,
- ii). Nomination of Mr. Munawar Mughal made earlier by Chakwal Chamber of Commerce and Industry for 2013 was void ab initio, having no legal effect in the eyes of law,
- iii). The decision of Election Commission of FPCC&I in respect of Mr. Munawar Mughal's nomination from Islamabad Chamber of Commerce and Industry is hereby set aside. Resultantly, FPCC&I is directed to accept the nomination of Mr. Munawar Mughal under intimation to the Office of Regulator of Trade Organizations, Ministry of Commerce, Islamabad within three days,
- iv). Objections raised by Mr. Naveed Abbasi at this belated stage are not entertainable as the same should have been raised latest by 4<sup>th</sup> of November, 2013, and
- v). FPCC&I must not treat nominations made by newly licensed trade bodies which have not completed two years of valid membership; nor the Federation must use nomenclature for representative capacities in future which is not defined or recognized in Trade Organizations Act, 2013, Trade Organizations Rules, 2013 and Memorandum and Articles of Association of FPCC&I.

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Regulator (TO)

Announced Dated:- 25 -11-2013.