



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF TRADE ORGANISATIONS
(OFFICE OF REGULATOR OF TRADE ORGANISATIONS)
MINISTRY OF COMMERCE & Textile Industry
State life Building No.7, 2nd Floor,
Jinnah Avenue, Blue Area,
Islamabad.



F. No. 15(04)/2013-TO

Islamabad, the March 4th, 2014

ORDER-IN-ORIGINAL NO. 04/2014

PASSED BY
SECRETARY OF COMMERCE

IN THE MATTER OF:- APPEAL FILED BY TRAVEL AGENTS ASSOCIATION OF PAKISTAN UNDER SECTION 21(2) OF TRADE ORGANIZATIONS ACT, 2013.

Present in the hearing on 10-02-2014:

i) Chairman, Travel Agents Association of Pakistan, Room No. 115, 1 st Floor, Central Hotel, Building Mereweather Road, <u>Karachi</u>Appellants
ii) Secretary General, Travel Agents Association of Pakistan, Room No. 115, 1 st Floor, Central Hotel, Building Mereweather Road, <u>Karachi,</u>	
iii) Mr. Mohammad Naeem Sharif, Chief Executive, Al-Syed Travels (Pvt) Ltd, No. 15, Avenue Centre, Strachen Road, <u>Karachi.</u>	
iv) Mr. Mohammad Khalil Raja, Chief Executive, Panair (Pvt) Ltd, 1 st Floor, 63/A, Block-6 P.E.C.H.S., <u>Karachi.</u>	
v) Mr. Mohammad Yasin Khanani, Proprietor, Khanani Travels & Tours, Suit No. 128, 1 st Floor, Saima Trade Tower, I.I. Chundrigar Road, <u>Karachi</u>	
vi) Mr. Mohammad Hanif Rinch, Chief Executive, Shirazi Travels (Pvt) Ltd, 8, Hotel Mehran, Shahrah-e-Faisal, <u>Karachi.</u>	

<p>vii) Mr. Khubchand Ochani, Chief Executive, Parwaz Express (Pvt) Ltd, 2nd Floor, Roma Chambers, Shahrah-e-Faisal, <u>Karachi.</u></p>	
<p>viii) Mr. Mohammad Yasin, General Manager, Baloch Travels, Near 2 Bismillah Hotel, Allah Chowk, Haji Pir Mohammad Road, Near KMC Zonal Office, Lyari <u>Karachi.</u></p>	
<p>i) Rana Abdul Ghafoor, Chief Executive, GFQ, Office # 11,12, Block # 76 E/H, 2nd Floor, Hill View Plaza, Jinnah Avenue, Blue Area, <u>Islamabad.</u></p>	<p>.....Respondents</p>
<p>ii) Mr. Saboor Malik, Owner of Green Hill Travels (Pvt) Ltd, 4-5 Building 108 B Adamjee Road, <u>Rawalpindi</u></p>	
<p>iii) Mr. Raees Ahmed Siddiqi, Chief Executive, Harmain Travels (Pvt) Ltd, 255-A, Suit No. 9,10, Shafiq Plaza, Sarwar Shaheed Road, <u>Karachi.</u></p>	
<p>iv) Mr. Muhammad Kalamuddin, Chief Executive, System Travels (Pvt) Ltd, Show Room No. 3 (Basement) Sidco Avenue Centre, Strachen Road, <u>Karachi.</u></p>	

Date of Hearing: **10-02-2014 at 11:30 a.m.**

Place of Hearing: **Committee Room, Ministry of Commerce A-Block, Pak Secretariat, Islamabad.**

Date of issuance of Order: **04-03-2014**

By this order, I intend to dispose of an appeal filed by Travel Agents Association of Pakistan (TAAP) and others under sub Section 2 of Section 21 of Trade Organizations Act, 2013.

2. Brief facts of the appeal are that during the election process of TAAP for the year 2013-14, different complaints were filed before the Regulator of Trade Organizations which, interalia, pertained to cancellation of membership of Mr. Saboor Malik of M/s. Green Hill Travels (Pvt) Ltd, Rawalpindi, Rana Abdul Ghafoor Khan of M/s. GFQ International, Islamabad, Mr. Raees Ahmed Siddiqui of M/s. Hermain Travels (Pvt) Ltd. Karachi, and Mr. Muhammad Kalamuddin of M/s. System Travels (Pvt) Ltd, Karachi. It had also been alleged in the aforementioned complaints that instead of conducting elections on all seats of Executive Committee of TAAP, elections were being conducted on 50% of the seats of Executive Committee. The Regulator of Trade Organizations, after hearing both the parties, passed the impugned Order-in-Original No.8/2013 dated 02-09-2013 wherein it was decided that:

- i) Election process of the Association for the year 2013-14 completed so far is annulled with immediate effect and the election schedule issued vide Association's letter No. BF: 05/13/KHI/212 dated 05-07-2013 shall consequently have no value in the eyes of law.
- ii) A new election schedule for 2013-14 shall be issued by the Association strictly in accordance with requirements of Rule 18 of Trade Organizations Rules, 2013. The Association shall however ensure that entire election process for the year 2013-14 is completed by or before 30th December, 2013.
- iii) The appellants and the respondents shall provide names of five members each to office of the Regulator within two weeks of issuance of this order who shall be short listed to constitute 3-members Election Commission. The process of short listing in consultation with representatives of both groups shall be completed under the supervision of the Regulator of Trade Organizations or his nominee. In case of disagreement on names, the verdict of the Office of the Regulator shall be final.
- iv) Till completion of the fresh election process, current Executive Committee and office bearers will remain intact.

3. In order to decide the above referred appeal, notices were issued to the parties to appear before this forum on 29-01-2014. However, counsel for the petitioners requested for an adjournment due to his engagement before the Supreme Court of Pakistan. The request was acceded to and matter was adjourned to 10-02-2014. Accordingly, both the parties appeared before the undersigned on 10-02-2014.

4. The counsel for the petitioners reiterated the stance taken in appeal by stating that the Regulator of Trade Organizations passed an order without taking into consideration the relevant provision of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. The incumbent Executive Committee took charge on 05-07-2013, therefore election could not be held on all the seats of the Executive Committee.

5. The counsel for the respondents alleged that by virtue of clause (e) of sub section 3 of section 14 of Trade Organizations Act, 2013, order passed by the Regulator in election matters shall be considered as final and no appeal could be filed against it. He also emphasized on sub-rules 9 and 13 of Rule 18 of Trade Organizations Rules, 2013 whereby the Regulator is the final forum of appeal in election matters.

ORDER

6. After hearing the parties at length, perusing the record and documentary evidence relating to the appeal and also keeping in view the relevant provisions of law and rules, Order-in-Original No.8/2013 dated 02-09-2013 passed by the Regulator of Trade Organizations is upheld. The TAAP is hereby directed to implement the said order in letter and spirit, immediately

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Secretary Commerce

Announced: Date, 04-03-2014