



**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.**



F. No. 7(05)/2014-TO

Islamabad, the August 19, 2014

ORDER-IN-ORIGINAL NO. 8/2014

Passed by Mr. Sajid Hussain, Regulator of Trade Organisations

- I. Mrs. Shamim Shahid of M/s Cherry Enterprises International
II. Mr. Shahid Mehmood Dar of M/s Cherry Pharmaceutica
International***

Versus

Pakistan Poultry Association

Present in the hearing on 19-08-2014:

- | | | |
|---|--|------------------|
| i) Mr. Shahid Mehmood Dar of M/s Cherry Pharmaceutica International | |Appellants |
| ii) Mr. Khalid Mehmood,
Advocate / Counsel for Mrs. Shamim Shahid of M/s
Cherry Enterprises International | | |
| i) Mr. Bashir Mehmood Bhatti, Secretary General,
Pakistan Poultry Association (PPA) | |Respondents |
| ii) Mr. Raja Muhammad Tahir,
Advocate / Counsel for PPA | | |

Date of Hearing: **19-08-2014**

Place of Hearing: **OFFICE OF REGULATOR OF TRADE ORGANISATIONS**
Directorate General of Trade Organizations
State Life Building No.7 2nd Floor,
Jinnah Avenue, Blue Area,
Islamabad.

Date of issuance of Order: **19-08-2014**

By this Order, I intend to dispose of appeals filed by Mr. Shahid Mehmood Dar of M/s Cherry Pharmaceutica International and Mrs. Shamim Shahid of M/s Cherry Enterprises International filed in connection with electoral process of Pakistan Poultry Association, [hereinafter referred to as "the Association"] in exercise of powers under clause (e) of sub-section (3) of Section 14 of Trade Organisations Act 2013 and sub-rule (7) of Rule 18 of Trade Organisations Rules, 2013.

BRIEF FACTS:

2. Two appeals dated 26-7-2014 and 11-08-2014 were received from Mrs. Shamim Shahid of M/s Cherry Enterprises International alongwith an appeal of Mr. Shahid Mahmood Dar of M/s Cherry Pharmaceutica International regarding electoral process of Pakistan Poultry Association (PPA) wherein they had raised following allegations:

- i. Election Commission appointed by PPA is not legally constituted
- ii. PPA has prepared a bogus voter list by including such voters who have not filed income tax returns.
- iii. There is an apprehension that PPA will mismanage and misappropriate public funds in holding IPEX.

3. The Appellants prayed for appointment of an administrator for holding the elections of PPA 2014-15 and IPEX. Complaints were forwarded to Secretary General PPA for comments, which he submitted in writing, at the time of hearing. Mr. Khalid Mahmood, Counsel for Mrs. Shamim Shahid didn't have the power of Attorney to represent the Appellant. However he was allowed to assist the forum. He alongwith Mr. Shahid Mahmood Dar reiterated the stance already put forth through their appeals mentioned above. They were directed to specify voters who are bogus so that their record may be checked. They failed to pinpoint a single voter and insisted for inspection of all files. It was contrary to philosophy and objectives of law/ rules. Timelines given in Rule 18 of Trade Organisations Rules, 2013 envisage speedy disposal of appeals preferred before the competent fora so that electoral process is not derailed or delayed inadvertently. Conducting such a colossal exercise at this juncture is not possible and will defeat the objectives of law/ rules. The Appellants were asked to specify the allegations regarding constitution of election commission as well. They failed to substantiate this allegation.

4. During proceedings, Secretary General presented a voter list which was tallied with the voter list displayed on the website of the Association and found matching. The Appellants were again asked to point out bogus voters in the list. To this they stated that they have no objection on list of Corporate Members and again insisted for inspection of whole record of Associate Members. Onus of proof lied on Appellants. Instead of meeting this obligation, the Appellants tried to impose their will and avoided to listening of counter arguments by Respondents and the undersigned as well.

5. As far as holding of IPEX is concerned, this activity doesn't fall under purview of this Office. Moreover, Secretary General PPA explained that all such activities of the Association are audited by a chartered accountant every year. This issue being irrelevant doesn't need any consideration of this Office at this stage.

6. After hearing parties to the dispute at length, examining their statements, official record and other documentary evidence, it has been found that allegations leveled by Appellants are of general nature and not specific ones. Moreover, they failed to produce any tangible proof to substantiate their allegations hence found baseless. There are not such circumstances that warrant appointment of Administrator therefore pray of the Appellants is not genuine.

ORDER

7. On basis of facts and reasons discussed above, the following is held:

- i. Appeals filed by Mr. Shahid Mehmood Dar of M/s Cherry Pharmaceutica International and Mrs. Shamim Shahid of M/s Cherry Enterprises International san merit hence dismissed.
- ii. Election Commission is directed to continue the electoral process according to the voter lists of North Zone submitted by Secretary General PPA and displayed on website which contain 107 members of Associate Class and 64 of Corporate Class. No addition or deletion will be made in these lists.

(Sajid Hussain)
Regulator of Trade Organisations

Copy for information and necessary action is forwarded to:-

1. Secretary General, Pakistan Poultry Association, House No. 186, Street No.32, Sector I-8/2, Islamabad.
2. Election Commission through Secretary General, Pakistan Poultry Association, House No. 186, Street No.32, Sector I-8/2, Islamabad.
3. Mrs. Shamim Shahid of M/s. Cherry Enterprises International, 14-E Punjab Cooperative Housing Society, Ghazi Road, Lahore
4. Mr. Shahid Mehmood Dar of M/s. Cherry Enterprises International, 14-E Punjab Cooperative Housing Society, Ghazi Road, Lahore
5. Assistant (IT), DGTO Office with directions to upload the Order on website of this Directorate.

(Rizwan-ul-Haq)
Deputy Director