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



F. No. 6(10)/2015-TO

Islamabad, the August 17th, 2015

ORDER IN ORIGINAL NO. 21/2015

Passed by Mr. Azher Iqbal Regulator of Trade Organizations

M. Zafar Iqbal and others

Versus

Sialkot Chamber of Commerce and Industry

Present in the hearing

- i). Muhammad Tahir Saddique
- ii). Zarar Ahmed Dar
- iii). Tariq Mehmood
- iv). Mohammad Tayyab Nazeer Advocate

...Appellant/ Complainant

- i) Navid Iqbal Sheikh
- ii) Ejaz Ahmed Dar
- iii) Tariq Mehmood Malik
- iv) Moazzam Ishaq

.....Respondents

Date of Hearing: **17-08-2015**

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: **17-08-2015**

By this Order, the undersigned intends to dispose of an appeal filed by Mr Zafar Iqbal and Others against decisions of Secretary General and Election Commission of Sialkot Chamber of Commerce and Industry under Sub Rule 7 of Rule 18 of Trade Organizations Rules, 2013.

2. Brief facts of the case are that the appellants filed objections on provisional voters list of Sialkot Chamber of Commerce and Industry, hereinafter read as Chamber, before the Secretary General of the Chamber. The Secretary General of the Chamber rejected the objections by non speaking order. Thereafter, objections were filed before the Election Commission in accordance with election schedule issued by the Chamber within stipulated period of time. the Election Commission of the Chamber vide Order dated 31st July, 2015 disposed of the same by observing that as per election schedule of the Chamber for the year 2015-16, the members could file objections in writing to the Secretary General for the entries in the list of voters by 29-07-2015 and in case of being aggrieved by the decision of the Secretary General, the members could file representation before the Election Commission which has not been followed in this case. It was further observed by the Election Commission that general objections were made on the entries in the voters list . Having felt aggrieved by the decision of the Election Commission, instant appeals were filed before the undersigned with the prayer to set aside the decisions of the Secretary General and Election Commission of the Chamber. it was further prayed that files of 183 objected members be ordered to be checked during the course of hearing before the undersigned.

3. In order to decide the instant appeal, the appellants and the respondents were directed to appear before the undersigned in his Office located at State Life Building NO 7, Jinnah Avenue, Blue Area Islamabad on 17-8-2015 for personal hearing. In compliance thereof, both the parties appeared before the undersigned.

During the course of hearing, the appellants reiterated the stance taken in the instant appeals. They stated that 183 fake firms have been included in provisional voters list. Bank accounts of 183 firms be verified. It may also be verified whether the bank certificates of Nil export of these companies were attached at the time of submission no income tax returns or not. The NTN returns of 183 companies be verified through FBR. The physical address, telephone and entitlement should also be verified. The Chairman of the Election Commission stated that it is not mandatory for the Chamber to verify bank account of the firm at the time of renewal of membership. The member is required to submit renewal fee along with income tax return of the preceding year in line with Sub Rule 5 of Rule 18 of Trade Organizations Rules, 2013. However, membership certificate of the Chamber has mentioned additional requirements for grant of membership. In order to ascertain whether requirements of Sub Rule 5 of Rule 15 of Trade Organizations Rules, 2013 were complied by the Chamber pertaining to 183 files, it was agrred by all the participants that randon 10 files may be scrutinized. The appellants were asked

to select 10 files randomly so that their concerns may be addressed. Accordingly files of M/S Malden Surgical Company, M/s Super Tramp International, M/s Ashway International, M/s Season Sports World, M/s Jay Wirds Interprises, M/s Croakies Interprises, M/s Legend Technic, M/s Leedom International and M/s Pretex Fabric Company were scrutinized and were found in order.

4. After hearing the parties at lengthy, perusing the relevant record and taken into consideration the relevant provisions of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013, this forum holds as under:-

- i). The Chamber while renewing the memberships of the objected forms followed the provisions of Sub Rule 5 of Rule 11 of Trade Organizations Rules, 2013 , hence, these firms are eligible to become voters of the Chamber for the year 2015-16 in line with Sub Rule 1 of Rule 15 of Trade Organizations Rules, 2013.
- ii). The membership certificate of the Chamber requiring additional documents for grant of membership is not in accordance with Sub Rule 5 of Rule 15 of Trade Organizations Rules, 2013, hence, same is declared as void and the Chamber is directed to revise the same in line with Sub Rule 5 of Rule 11 of Trade Organizations Rules, 2013.
- iii). The Chamber is directed to include names of firms in final voters list who have completed the requirements of Sub Rule 1 of Rule 15 of Trade Organizations Rules, 2013.

(Azher Iqbal)
Regulator (TO)

Announced Dated:-17 -08-2015.