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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(12)/2015-TO

Islamabad, the August 17th, 2015

ORDER IN ORIGINAL NO. 22/2015

Passed by Mr. Azher Iqbal Regulator of Trade Organizations

Mr. Aftab Ahmed Sahi

Versus

Jhelum Chamber of Commerce and Industry

Present in the hearing

i). Mr. Aftab Ahmed Sahi

...Appellant/ Complainant

- i). Mohammad Aqeel, Secretary General,
- ii). Dr. Zaheer Ahmed, Chairman, E.C.
- iii). Mr. Farhan, President

.....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.Aftab Sahi against Election Commission of Jhelum Chamber of Commerce and Industry.

2. Brief facts of the case are that Election Commission of Jhelum Chamber of Commerce and Industry, hereinafter read as Chamber, on complaint of Mr. Muhammad Nadeem Khan excluded the name of appellant from the provisional voters list of the Chamber for the year 2015-16 stating that rent agreement of Mr. Aftab Sahi with Raja Muhammad Ijaz, the owner of the property expired three years before and business of the appellant is not functional at the given address. Having felt aggrieved by the decision of the Election Commission, the instant appeal was filed before the undersigned. The appellant stated that he had been the member of the Chamber since 1994 and membership was cancelled with malafide intent as he would participate in the coming elections. He further stated that he shifted his business address three years ago and has nothing to do with the business address on the basis of which his membership was cancelled by the Chamber.

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

4. During the course of hearing, the appellant stated that his membership was cancelled without considering the fact that he had changed his business address and Chamber was informed accordingly. He was an active member of the Chamber and would participate in the coming elections. According to FBR taxpayer on line verification, the business address of the appellant is Plot NO 41, Street NS-1 National Industrial Zone, Jhelum. He further stated that he was doing numerous businesses and change of address by the business entrepreneur was a routine matter. The member of the Election Commission stated that only name of the appellant was removed from the provisional voters list. However, his membership has not been cancelled by the Chamber. he further stated that complaint in this regard was filed before the Election Commission and Election Commission was bound to decide the same. The appellant did not submit any application in the Chamber regarding change of address. The appellant while rebutting the arguments of the Election Commission stated that Chamber was duly informed about change of address. He further stated that Executive Committee members whose tenure will expire on 30th September, 2015 are also participating in the coming elections despite the fact it is mandatory for them to observe one year mandatory break to contest election again.

After hearing the arguments at length, perusing the relevant record and taking into consideration the relevant provisions of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013, this forum holds as under:-

-:03:-

- i). The name of the appellant was removed from the provisional voters list without following the due procedure of law. The member of the Election Commission committed before this forum that his membership is not cancelled , however, name is excluded from the provisional voters list which shows that decision was taken in haste. The Secretary General is directed to include name of the petitioner in final voters list.
- ii). By virtue of Sub Rule 15 of Rule 21 of Trade Organizations Rules, 2013, it is mandatory for office bearers and members executive committee to observe one year mandatory break to contest elections again. Therefore, incumbent members of the Executive Committee are not eligible to contest elections for the years 2015-16.

(Azher Iqbal)
Regulator (TO)

Announced Dated:-17 -08-2015.