



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(11)/2015-TO

Islamabad, the August 25th, 2015

ORDER IN ORIGINAL NO. 23/2015

Passed by Mr. Azher Iqbal Regulator of Trade Organizations

Muhammad Amin Khatri

Versus

Election Commission of Hyderabad Chamber of Commerce and Industry

Present in the hearing

1. Amin Khatri Muhammad
2. Haji Muhammad Yakoob
3. Shafique Ahmed Qureshi

.....Appellant/ Complainant

- i. Mr. Zia ud Din
- ii. Mr Shakir Memon

.....Respondents

Date of Hearing: **24-08-2015**

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: **25-08-2015**

By this order the undersigned intends to dispose of an appeal filed by Mr. Muhammad Amin Khatri of M/s D.S. Motors against the decision of the election commission of Hyderabad Chamber of Commerce and Industry (HCCI).

2. The appellant had raised objections before the Secretary General and Election Commission of HCCI that the executive committee of HCCI was fake and a large number of eligible members have not been included in the voters list for 2015-16 election. The objections of the appellant were rejected by the Secretary General and Election Commission on the grounds that they were time barred. Hence the appellant filed the appeal before the undersigned.

3. In order to decide the appeal, hearing was held in the office of the undersigned on 24.08.2015. The appellant, member of election commission and Mr. Ziauddin Qureshi of HCCI were present in the hearing.

4. The appellant pointed out that elections of HCCI have not been held for the last three years due to stay granted by the honourable High Court of Sindh in petitions filed before it. The last election of HCCI was held for the year 2011-12. Hence, according to the appellant, the tenure of the executive members and office bearers elected in 2011-12 stands expired. Mr. Ziauddin Qureshi replied that the honourable High Court of Sindh in its order dated 5.08.2013 has decreed that the executive committee of 2011-12 shall continue to hold their offices till next election. Therefore, the members of executive committee are continuing to perform their functions.

5. Thereafter, the appellant raised the issue of non-inclusion of a large number of eligible members in the provisional voters list of HCCI for 2015-16 election. He pointed out that more than 700 members who were included in the 2011-12 voters list have not been included in the provisional voters list for 2015-16 election. Mr. Ziauddin Qureshi responded that these members have not been included in the provisional voters list for 2015-16 election, as they do not qualify to become members of HCCI and have not paid renewal fee to HCCI for renewal of their membership on time. He also pointed out that General body of HCCI had approved that only those business concerns that have a minimum turnover of Rs 500,000/ (five lac) shall be eligible to become associate members of HCCI. The appellant pointed out that these members have been members of HCCI for a long time and have been paying their renewal fee. He alleged that the present management of HCCI had instead refused to accept renewal fee from these members. Hence, as a precaution, some members even deposited the renewal fee with the honourable High Court of Sindh.

6. After hearing the parties at length, perusing the record and relevant provisions of law, the undersigned holds as under:-
- i. The members of executive committee holding office during 2011-12 shall continue to hold office till elections of 2015-16 are completed. However, they shall not be eligible to stand in election for 2015-16;
 - ii. Election shall be held on all seats of the executive committee. However, half of the members of executive committee shall retire after completion of one year and a draw shall be made to determine the members who shall stand retired after one year;
 - iii. The condition of minimum turnover of Rs 500,000/ (five lac) for eligibility of a business concern to become an associate member of HCCI is illegal. Hence memberships of business concerns whose memberships have been cancelled on this ground shall stand restored from the date of cancellation of their memberships. However, they shall pay any outstanding renewal fee to HCCI;
 - iv. Old members of HCCI whose names were included in the voters list for 2011-12 but have not been included in the provisional voters list for 2015-16 election shall be included in the voters list for 2015-16 election subject to payment of any outstanding renewal fee and submission of Income Tax returns to HCCI;
 - v. A two member scrutiny committee comprising one representative each of Mr. Muhammad Amin Khatri and HCCI shall be established to revise the voters list for 2015-16 election in accordance with para 6 (iv) above. It shall also scrutinize the record of new members who are included in provisional voters list for 2015-16 to ensure that they qualify the criteria for eligible voters. The committee shall complete its task by 31-08-2015 and final voters list for 2015-16 election shall be displayed on the notice board and website of HCCI on 1.09.2015. The election schedule for 2015-16 shall be amended accordingly and a copy of amended copy of election schedule shall be provided to the office of the Regulator. In case of any ambiguity clarification may be sought from the office of Regulator;
 - vi. Secretary General of HCCI shall seek nominations for the establishment of scrutiny committee and provide all necessary assistance to the scrutiny committee for carrying out its assignment.

(Azher Iqbal)
Regulator (TO)

Announced Dated:-25 -08-2015.