



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 27th, 2015

ORDER IN ORIGINAL NO. 25/2015

Passed by Mr. Azher Iqbal Regulator of Trade Organizations

Mr. Rana Ijaz Ahmed and other

Versus

Election Commission of Jhelum Chamber Commerce & Industry

Present in the hearing

1. Rana Ijaz Ahmed
2. Mr. Aftab Ahmed

.....Appellant/ Complainant

1. Mr. Muhammad Aqeel
(Secretary General)
2. Mr. Sarfraz Malik
(Member Election Commission)
3. Mian Mubashir Mehmood

.....Respondents

Date of Hearing: **26-08-2015**

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: **27-08-2015**

By this Order, the undersigned intends to dispose of an appeal filed by Mr. Aftab Sahi and Mr. Rana Ijaz Ahmad of Jhelum Chamber of Commerce and Industry against Election Commission of Jhelum Chamber of Commerce and Industry. (hereinafter read as Chamber)

2. Brief facts of the case are that appellants in the subject appeal stated that nomination paper of Mr. Mubashir Mahmood was accepted by the Election Commission without taking into consideration the fact that he was abroad when the same was submitted before the Election Commission. They further alleged that names of Mrs Doctor Sohail Anjum, Mr Asghar, Mr Nadeem Khan and Mr Anwar were included in the corporate class despite the fact that the said members did not fulfill the criteria to become corporate members in accordance with Trade Organizations Rules, 2013. This Office is requested to take actions against them in accordance with Trade Organizations Act, 2013 and Trade Organizations Rules, 2013.

3. In order to decide the subject appeal, parties were directed to appear before the undersigned for personal hearing for 26-8-2015 in his Office located at State Life Building NO 7, Jinnah Avenue, Blue Area, Islamabad.

4. During the course of hearing, the appellants reiterated the stance taken in the appeal. They stated that nomination paper of Mr. Mian Mubashir Mahmood was accepted by the Election Commission in his absence. The candidate was required to present in person at the time of submission of nomination paper. They also stated that Mian Mubashir Mahmood was not qualifying to become a corporate member. They further stated that aforementioned five members were included in the corporate class contrary to the provision of Trade Organizations Rules, 2013. The Secretary General of the Chamber, while rebutting the arguments advanced by the appellants, stated that appellants did not file any representation before him on provisional voters list in accordance with election schedule issued by the Chamber. If they were having any objections on aforementioned five members, they could have filed representation before him latest by 15th July, 2015 as mentioned in the election schedule. He further stated that Mian Mubashir Mahmood submitted an application with the request to authorize his nominee to submit the nomination paper as he was going abroad. The application was accepted by the Election Commission. The member of the Election Commission stated that appellants were required to raise objections on the provisional voters list in accordance with election schedule issued by the Chamber for the election year 2015-16.

At this stage, they could not raise objections on final voters list. He further stated that nomination paper of Mian Mubashir Mahmood was accepted as he duly informed the Chamber regarding his visit abroad.

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

- i) Clause b of Sub Rule 1 of Rule 18 of Trade Organizations Rules, 2013 states that neither postal nor proxy shall be allowed. As Mian Mubashir Mahmood appeared in person before the undersigned, therefore, he will be present at the time of polling. He also submitted written application regarding appointment of nominee to submit his nomination paper, therefore, his nomination paper can not be rejected as same was accepted by the Election Commission.
- ii) As far as objections on the eligibility of Mrs. Doctor Sohail Anjum, Mr Asghar, Mr. Nadeem Khan, Mr. Anwar and Mian Mubashir Mehmood as corporate members are concerned, the appellants were required to challenge the same before the Secretary General and the Election Commission in line with the election schedule issued by the Chamber. At this stage, it is inappropriate to exclude their names from the final voters list as they were not afforded an opportunity to present their case before this forum. However, separate order will be passed on this issue within due course of time regarding their eligibility as corporate members of the chamber.
- iii) The Chamber is directed to continue with the election process in accordance with election schedule issued by the Chamber for the years 2015-16.

(Azher Iqbal)
Regulator (TO)

Announced Dated:-27-08-2015.