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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,



F. No. 6(23)/2017-TO

Islamabad, the December 04th, 2017

ORDER IN ORIGINAL NO. 41/2017

Passed by Mr. Waqar Ahmad Shah Regulator of Trade Organizations

Sadar Qazzafi

Versus

Election Commission of Federation of Pakistan and Others

Present in the hearing.

1. Mr. Ali Nawaz kharal Advocate(on behalf of appellant)

Date of Hearing: 30-11-2017

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: 04-12-2017


WAQAR AHMAD SHAH
Regulator of Trade Organizations
Directorate General of Trade Organizations
Ministry of Commerce
Government of Pakistan
Islamabad

By this Order the undersigned intends to dispose off an appeal filed by Mr. *Sadar Qazzafi* against the decision of Secretary General and Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI), regarding inclusion of representative of Abbottabad Chamber of Commerce and Industry in the provisional voters list of FPCCI for the election year 2018.

In his appeal the appellant has alleged as under:-

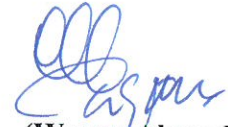
- i. That the Order passed by the Secretary General and consequently the Election Commission dismissing the plea of the Appellant is void ab initio and thus illegal.
- ii. That no proper reasoning with respect to the plea and appeal of the Appellant has been given by the Election Commission while dismissing the Appeal of the Appellant. Every functionary is required to give proper reasons while passing any Order. The Impugned Order suffers from this defect, and thus is violative of Section 24A of the General Clauses Act, 1897.
- iii. That the license to 'Abbottabad Chamber of Commerce and Industry' ('ACCI') was for all purposes a fresh license; the license granted to ACCI was a fresh license for all purposes and has not been granted in continuity thereof.
- iv. That ACCI was granted certificate of incorporation on 26.5.2017 and license as granted on 2.2.2017 which by no stretch refers to or mentions that the license afresh has been given in continuity of the previous license. Therefore no inference in this regard can be drawn.
- v. Organization were only to function till i.e. the earlier licenses were 30.12.2006
- vi. That if the license afresh granted to ACCI was in continuity of the previous license, the same would and/or should have been mentioned therein; however no such stipulation is found in the license granted to ACCI.
- vii. That as per provisions of the Act of 2013 and the Rules of 2013, a freshly licensed chamber can not partake in election of FPCCI before the lapse of 2 years. Therefore the nominations of and inclusion of ACCI in the voter's list for FPCCI elections is liable to be declared as illegal and struck off.

IT is therefore respectfully prayed that the Appeal may very graciously be accepted, and on acceptance of the Appeal, the Orders/decisions rendered by Secretary General, FPCCI, and Election Commission, FPCCI, may graciously be set aside. Consequent to setting

aside of the referred Orders/decisions, the nomination of and inclusion of ACCI in the voter's list for FPCCI election may kindly be declared illegal and same be struck off from the voter's list.

FINDINGS / ORDER:-

- i. Despite submission of appeal without complaint fee as prescribed in Serial No 5 of Schedule E of TORs, 2013 in time, the appellant was given an opportunity of hearing. The appellant's lawyer contended that Abbottabad Chamber of Commerce & Industry is a newly established Chamber, therefore, cannot exercise its right of vote in the FPCCI election of 2018. As a matter of fact, Hazara Chamber of Commerce & Industry was an existing Trade Organization, licensed under Trade Ordinance 1961 as mentioned in Section 34 of TOA, 2013. It was re-named as Abbottabad Chamber of Commerce & Industry, reducing its geographic jurisdiction from Division to District as per section 2(c) and Rule 2 Sub-rule (e). This position was clarified and accordingly communicated earlier through this office letter No. F. No.17(31)/2018-TO dated 23rd October, 2017 in reply to the FPCCI letter No.5487 dated 25th September, 2017.
- ii. The matter stands disposed off accordingly.



(Waqar Ahmad Shah)

Regulator (TO)

WAQAR AHMAD SHAH
Regulator of Trade Organizations
Directorate General of Trade Organizations
Ministry of Commerce
Government of Pakistan
Islamabad

Announced Dated: 04-12-2017.