



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



F. No. 6(18)/2020-TO

Islamabad, the 20th August, 2020

ORDER IN ORIGINAL NO 14/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Muhammad Nadeem

Versus

Sargodha Chamber of Commerce and Industry (SCCI)

Present in the hearing.

1. Mr. Muhammad Faisal Malik, Advocate (on behalf of Appellant)Appellant/ Complainant
VERSUS	
1. Mr. Khalique Ahmed Khan, Secretary General SCCIRespondents
2. Ch. Shafqat Ali, Member Election Commission	
3. Rana Kashif, Member Election Commission	
4. Mr. Ibitsam Rashid Mirza, Advocate (on behalf of Respondents)	

Date of Hearing: 19-08-2020

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: 20-08-2020

By this order the undersigned intends to dispose of appeal filed by Muhammad Nadeem against the decision of Election Commission regarding inclusion of name of representative of M/s S.S. Traders in the provisional voters list of Sargodha Chamber of Commerce and Industry for the election year 2020-21. The case was fixed for personal hearing on 19-08-2020, which was attended by both sides.

2. The Counsel of appellant contended that as per the data of SECP and FBR Mr. Muhammad Zubair of M/s S.S. Traders, Business Concern does not fulfill the criteria under Clause 11(b), as his business concern do not fall under the territorial jurisdiction of Sargodha.
 3. The Counsel of appellant further contended that M/s S.S. Traders have not met criteria as mentioned in Rule 3(2)(b) of Trade Organizations Rules, 2013 (TORs,) which stated that “ *in case of a chamber it has a minimum of one hundred and fifty members who are either permanently domiciled in the relevant district or have a substantial business interest such as an industrial concern, a corporate business entity or are being assessed for the purpose of income tax and sales tax in the territorial jurisdiction of the proposed chamber*” .
 4. The Counsel of appellant further stated that the Sales Tax Registration Number (STRN) of Muhammad Zubair is black listed as shown in the FBR website, therefore the company has not fallen in the corporate class of membership and excluded from the voters list of SCCI for the elections 2020-21.
 5. On the other hand, the Counsel for the Respondents appeared and contested that S.S. Traders is a valid corporate member / voter of SCCI and fulfills the criteria for membership of SCCI. The Counsel for the Respondents further stated that S.S. Traders has renewed its membership on time and fulfill all requirements as voter as per Rule 15 of TORs, 2013. The Secretary General of SCCI provided Income Tax Return of Mr. Muhammad Zubair for the year 2016.
- FINDINGS:-**
- i. As per Rule 3(2)(b) of Trade Organizations Rules, 2013 (TORs,) the criteria for membership of a Chamber is as under:-
which stated that “ in case of a chamber it has a minimum of one hundred and fifty members who are either permanently domiciled in the relevant district or have a substantial business interest such as an industrial concern, a corporate business entity or are being assessed for the purpose of income tax and sales tax in the territorial jurisdiction of the proposed chamber” .

- ii. As per the online verification of FBR shows that the Sale Tax of Mr. Muhammad Zubair is blacklisted w.e.f 03-07-2013 and it falls under the category of “individual”.
- iii. The respondent failed to provide the proof for eligibility of his membership in SCCI. He has not domicile by Sargodha District, nor registered with RTO for the purpose of Income Tax and Sale Tax.

Order:-

Argument heard and documentary evidence / record perused. The Respondents failed to produce sufficient evidence to substantiate the membership eligibility of Mr. Muhammad Zubair as corporate member of SCCI.

2. Keeping in view the above mentioned facts and circumstances, the instant appeal is hereby accepted. The Secretary General SCCI is directed to exclude the name of Mr. Muhammad Zubair M/s S.S. Traders from the membership / voters list of SCCI for the year 2020-21.

- 3.. The matter stands disposed of accordingly.


(Riaz Ahmad)

Regulator (TO)

RIAZ AHMAD
Regulator of Trade Organizations
Sargodha District Trade Organization
Sargodha

Announced Dated:-20-08-2020.