



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(22)/2020-TO

Islamabad, the 24th August, 2020

ORDER IN ORIGINAL NO 28/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Muhammad Ismail Waraich

Versus

Gujranwala Chamber of Commerce and Industry (GCCI)

Present in the hearing.

1. Mr. Ibsam Rashid Mirza, Advocate (on behalf of
Appellant)

.....Appellant/
Complainant

VERSUS

2. Mr. Muhammad Burhan, Secretary General GCCI
3. Mr. Muhammad Naveed Khokhar (Advocate on behalf of
Respondents)

.....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: **24-08-2020**


RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad

By this order the undersigned intends to dispose of an appeal filed by Mr. Muhammad Ismail Waraich against the decision of Election Commission regarding not inclusion of his name in the provisional voters list of Gujranwala 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 appellant contended M/s M.I.S Trading Company is a bona fide member of Gujranwala Chamber of Commerce and Industry and has got membership among corporate class since inception and the business entrepreneur is getting its membership renewed every year. He further contended that the name of M/s M.I.S Trading Company was enlisted as a valid voter of corporate class in the voter list of the elections year 2020-21..

3. The Counsel of appellant further contended that the Secretary General renewed the membership of M/s M.I.S Trading Company. The counsel further alleged that the Secretary General excluded applicant name from corporate voter list without intimation as ex-parte order. The appellant's was aggrieved from the decision of Secretary General and preferred an appeal before the Election Commission of GCCCI which was declined.

4. On the other hand, the Counsel for the Respondents appeared and contested that M/s M.I.S Trading Company does not fulfill the criteria of corporate class as required under Rule 2(g) of Trade Organizations Rules, 2013 which is mandatory for corporate class membership.

5. The Counsel for the Respondents stated that the Members of Election Commission scrutinized the file of M/s M.I.S Trading Company and found that M/s M.I.S Trading Company does not meet the criteria of Rule 2(g) of TORs, 2013.

6. The Secretary General SCCI provided a copy of request filed by Mr. Muhammad Ismail with the request to include the appellant name in the corporate class voters list. The Secretary General turned down the request on the ground that appellant does not fulfill the criteria of corporate class and his name is already transferred in the associate class voters list. The appellant aggrieved by the decision of Secretary General filed an appeal before the Election Commission. The members Election Commission decided the appeal and disqualify him for corporate class but also deprived from the voting right.

FINDINGS:-

- i. The Rule 2(g) states that "*corporate member*" means a member of a trade organization which is either a body corporate or a multinational corporation with its head office or

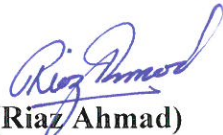
branch office in Pakistan or a sales-tax-registered manufacturing concern or a sales-tax-registered business concern having annual turn-over of not less than fifty million Rupees.

- ii. The appellant did not provide any proof regarding fulfillment of Rule 2(g) of TORs, 2013 for mandatory requirement for corporate class. As the appellant renewed its membership within time period and also fulfill the criteria of Rule 15(1)(a)(b) of TORs, 2013, the voting right of the appellant cannot be denied.

Order:-

Arguments heard and documentary evidence / record perused. The Appellant failed to produce sufficient evidence to substantiate the requirement of Rule 2(g) of TORs, 2013 for corporate class membership.

2. Keeping in view the above mentioned facts and circumstances, the Secretary General GCCI is directed to include the name of M/S M.I.S. Trading Company in the Associate Class Voters list of GCCI for the year 2020-21.


(Riaz Ahmad)

Regulator (TO)

Announced Dated:-24-08-2020.

RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad