



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(24)/2020-TO

Islamabad, the 24th August, 2020

ORDER IN ORIGINAL NO 29/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Muhammad Kashif

Versus

Gujranwala Chamber of Commerce and Industry (GCCI)

Present in the hearing.

1. Mr. Ibtisam 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

By this order the undersigned intends to dispose of appeal filed by Mr. Muhammad Ashif of M/s Kash Impex against the decision of Election Commission regarding exclusion of his name in the corporate class of provisional voters list of Gujranwala Chamber of Commerce and Industry (GCCCI) 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 Kash Impex 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 Kash Impex enlisted as a valid voter from corporate class in the provisional voters list for the elections year 2020-21. The Counsel for the appellant further contended that M/s Ashraf Traders, Gujranwala filed objection against M/s Kash Impex before the Secretary General GCCCI but the Secretary General GCCCI did not inform him regarding objection and an ex-parte order was passed. Aggrieved by the order of the Secretary General M/s Ashraf Traders filed an appeal before the Members Election Commission as per Rule 18 of TORs, 2013. The Election Commission also did not hear and ex-parte decision was passed.

3. The Counsel of appellant further contended that while deciding the appeal against the appellant / petitioner the members of Election Commission have transgressed the authority vested in them as they have curtailed the voting right of the appellant.

4. On the other hand, the Counsel for the Respondents appeared and contested that M/s Kash Impex was corporate member of GCCCI. At the time of renewal of membership the appellant presented his current income tax and sales tax returns which revealed that the turnover of the appellant was below than Rs.50 million turn-over per annum. The name of appellant firm was added in voters list of corporate class mistakenly. M/s Ashraf Traders filed objection before Secretary General against the entry of M/s Kash Impex in the corporate voters list. The objection was dismissed by the Secretary General.

5. The representative of M/s Ashraf Traders aggrieved by the decision of Secretary General GCCCI filed an appeal before the Election Commission as per Rule 18 of TORs, 2013. The notices for hearing were communicated to both parties but the representative of M/s Kash Impex did not attend. The members of Election Commission scrutinized the file of M/s Kash Impex which showed that M/s Kash Impex did not fulfill the criteria of corporate class as prescribed in Rule 2(g) of TORs, 2013 and excluded the name of M/s Kash Impex from the corporate voters list of GCCCI.

FINDINGS:-

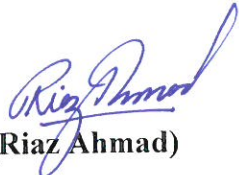
- i. The Rule 2(g) states that “*corporate member*” means a member of a trade organization which is either a body corporate or a multinational corporation with its head office or branch office in Pakistan or a sales-tax-registered manufacturing concern or a sales-tax-registered business concern having 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.

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 mandatory for corporate class member.

2. Keeping in view the above mentioned facts and circumstances, the instant appeal is decided and the Secretary General GCCI is directed to exclude the name of M/s Kash Impex Company from the corporate voters list and include it in the associate class list.
3. The matter stands disposed of accordingly.

Announced Dated:-24-08-2020.


(Riaz Ahmad)
Regulator (TO)
RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad