



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(26)/2020-TO

Islamabad, the 24th August, 2020

ORDER IN ORIGINAL NO 32/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Mr. Zia Ullah

Versus

Sialkot Chamber of Commerce and Industry (SCCI)

Present in the hearing.

1. Mr. Ibtisam Rashid Mirza, Advocate (on behalf of Appellant)
2. Mr. Zia Ullah

.....Appellant/
Complainant

VERSUS

3. Mr. Tariq Mahmood, Secretary General SCCI
4. Mr. Navid Iqbal Sheikh, Member Election Commission
5. Mr. Shafiq-ur-Rehman Member Election Commission

.....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 appeals filed by Mr. Zia Ullah of M/s Aware Trading Corporation against the decisions of Election Commission regarding inclusion of voters in Associate class provisional voters list of Sialkot Chamber of Commerce and Industry (SCCI) 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 for the appellant contended that Secretary General of SCCI had included many bogus members in Associate Class and Corporate Class voters list for the year 2020-21. The appellant had filed objections before the Secretary General SCCI as per Rule 18 of TORs, 2013 which were turndown by the Secretary General SCCI. As aggrieved by the decision of Secretary General the appellant filed appeal before the Member Election Commission as per Rule 18 of TORs, 2013 which were also declined by the Election Commission.

3. The Counsel for the appellant stated that Secretary General has included 66 bogus Associate members in the voters list of SCCI for the elections year 2020-21 which do not fulfill the criteria of membership. The counsel of the appellant raised the following specific objections on voters:-

- i. Some voters in the voters list are partners but mention as individual on the FBR.
- ii. NTN not match partner but mention as individual.
- iii. Two different NTN partnership.
- iv. NTN not match to SCCI list.
- v. NTN not match.
- vi. Have Two votes
- vii. NTN Miss Match

4. The counsel of the appellant further contended that only one member of Election Commission had decided the appeals instead of three members of Election as mandatory in TOA, 2013 and TORs, 2013.

4. On the other hand, the Respondents appeared and contested that no entry had been included in the provisional voters list. All members as objected by the appellant have NTN number and renewed their membership within stipulated time period and are valid / eligible for voters in SCCI elections for the year 2020-21. The Secretary General provided the FBR record of objected voters. In response of the issue raised by appellant regarding appeals decided by the one member of Election Commission, the Secretary General apprised that the remaining two members authorized the one member of Election Commission to sign the decision of appeals.



FINDINGS:-


- i. The Rule 11(1)(a)(b) states:-
 - (a) The prospective members is a sole proprietorship or a partnership firm or an association of persons or a company holding national tax number and sales tax registration, if applicable, in the name of the business concern;
 - (b) The prospective member's business fits within the defined business scope of area of jurisdiction of the trade organization as provided in the said trade organization's approved memorandum and articles of association and under the license granted by the Federal Government.
- ii. The documents provided by the Secretary General SCCI show that the objected voters fulfill the criteria of membership / voter as prescribed in Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. Moreover, the members also fulfill the criteria of Rule 15 of TORs, 2013 as mandatory for voters.

Order:-

Arguments heard and documentary evidence / record perused. The Appellant failed to produce sufficient evidence to substantiate his claim about 66 objected voters of Associate Class.

2. Keeping in view the above mentioned facts and circumstances, the instant appeal is hereby dismissed.
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