



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: 7(6)/2020-TO

Islamabad, the 24th August, 2020

ORDER IN ORIGINAL NO 40/2020

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

*Malik Tanveer Arshad of M/s Al-Hamd Cotton Industries
Abdul Rasheed Khan of M/s G-F Enterprises*

V/s

*Secretary General and Election Commission of
Pakistan Cotton Ginners Association (PCGA)*

Present in the hearing.

1. Mian Mahmood Ahmad
2. Malik Talat Sohail
3. Malik Muhammad Faisal (Advocate)

Appellant/ Complainant

1. Mr. Asif Khalil (Secretary General)
2. Mr. Hafeez Anwar (Member of Election Commission)
3. Mr. Khalil Ahmed (Member of Election Commission)
4. Mr. Ibtisam Rashid Mirza (Advocate)

.....Respondents

Date of Hearing: 20-08-2020

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 complaints filed by Malik Tanveer Arshad of M/s Al-Hamd Cotton Industries and Abdul Rasheed Khan of M/s G-F Enterprises against Secretary General and Election Commission of Pakistan Cotton Ginners Association. The complainant has objected to the inclusion of Mr. Sohail Mahmood of M/s Awami Cotton Industries in the voter list. The case was fixed for personal hearing on 20-08-2020 and was attended by both sides.

2. The Counsel of the Petitioner Malik Tanveer Arshad of M/s Al-Hamd Cotton Industries and Abdul Rasheed Khan of M/s G-F Enterprises contended that the Secretary General and Election Commission illegally included the name of Mr. Sohail Mahmood in the voter list. The factory of Mr. Sohail Mahmood of M/s Awami Cotton Industries was demolished and, according to the complainant, he does not fulfill the criteria for being a voter according to Article 18 (d) of Association of PCGA. The appellant filed an appeal with the Secretary General against the decision of Election Commission which was also turned down. The appellant filed instant appeal with DGTO against the decision of Election Commission.

3. The Counsel on behalf of the Respondent, the Secretary General and Election Commission contended that the allegations raised by Malik Tanveer Arshad of M/s Al-Hamd Cotton Industries and Abdul Rasheed Khan of M/s G-F Enterprises are not based on facts. The factory is still operational. Only the premises is demolished hence it fulfills the criteria of Article 18 (d) of association of PCGA. The respondent also submitted sales tax and income tax returns and partnership deed.

FINDINGS

As per Article 18 (d) of Association PCGA reproduced as under:

"Every member of ginning factory can cast one vote that is one ginning factory can get only on membership at a time. A member shall remain member if his ginning/pressing concern does not operate for a continuous period of even three years and in case of new member his factory does not come into operation within three years from the date of membership. However such member shall not be entitled to the candidate or to cast vote but shall be entitled to attend the General Body meeting.


2. The document provided by the respondent shows that sales tax for the month of May 2020 is "nil" which shows that the unit is not operational.



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ORDER

Arguments heard and documentary evidence / record perused. The Respondents i.e Secretary General failed to produce sufficient evidence to defend the allegations raised by the Complainant against Mr. Sohail Mahmood of M/s Awami Cotton Industry. Therefore, Mr. Sohail Mahmood of M/s Awami Cotton Industry is not eligible to cast vote in the elections of the Association for the year 2020-2021.


(Riaz Ahmed)
Regulator (TO)

Announced Dated:-24-08-2020

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