



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(4)/2020-TO

Islamabad, the 1st September, 2020

ORDER IN ORIGINAL NO. 48 /2020

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

Azaad Group, through its convener Mr. Waheed Gul and others

Versus

Pakistan Association of Automotive Parts & Accessories Manufacturers (PAAPAM)

Present in the hearing.

1. Mr. Usama Usman
2. Mr. Waheed Gul
3. Mr. Nasrullah Khan
4. Mr. Tariq Awan
5. Mr. Muhammad Faisal (Advocate)

Appellant/ Complainant

1. Mr. Muhammad Akram (Chairman)
2. Mr. Razzak Ahme (M.C Member)
3. Mr. Azhar Ali
4. Mr. Anas Haroon (Acting Secretary General)
5. Mr. Khalid Ishaq (Advocate)

..Respondents

Date of Hearing: 25-08-2020

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: 01-09-2020

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

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By this order the undersigned intends to dispose of complaint filed by Azad Group through its convener Mr. Waheed Gul and others against irregularities committed by Pakistan Automotive Parts and Accessories Manufacturers (PAAPAM). The case was fixed for hearing on 25-08-2020, which was attended by both sides.

2. The counsel of the appellant contended that the chairman was requested to provide list of members reflecting their renewals and otherwise. The counsel of the appellant challenged the election commission constituted by the Association. The appellant contended Mr. Ashraf Sheikh Member of the election commission was appointed intentionally by the Chairman and Executive Committee. Mr. Ashraf Sheikh remained office bearer of PAAPAM till 30.09.2019 and his appointment is contrary to Rule 16 (c) of Trade Organizations Rules, 2013. Further he is impartial by his qualification as he is canvassing for the ruling regime in his office. The second member of the election commission was appointed in violation of Rules 16 (e) of Trade Organizations Rules, 2013, as he is chairman of public office of Punjab Industrial Estate Development and Management Company having billions of dollars at his disposal in the name of development. He can utilize the funds for canvassing the ruling members of the Association. Furthermore he is providing partisan support to a certain group within the Association. He is also office holder of Sunder Industrial Estate and Kot Lakhpat Industrial Estate. The third member of the election Commission is also biased by his act of running the campaign for his favorable group (CCTV footage can be provided in this regard). The appellant prayed that in view of the irregularities the election commission may be declared as illegal and void ab-intio. Further an impartial election commission may be nominated to conduct free and fair election.

3. On the other hand the counsel of the respondent contended that members of the election commission were appointed by the Managing Committee PAAPAM, during its meeting dated 30.06.2020 in accordance with the law. One member of the election commission Muhammad Ashraf Sheikh resigned due to health reasons. The Managing Committee in its meeting dated 13.08.2020 nominated Mr. Sidique Misri as member of the Election Commission. The objection raised by appellant on the nomination of second member of election commission Syed Nabeel Hashmi, is based on blatant misconception of relevant rules. His appointment was based on merit and with the approval of managing committee. The allegations raised by the appellant against the third member of election commission is also not based on facts. The respondent prayed that the appeal may be dismissed.

FINDINGS

Perusal of the documents submitted by Secretary General, show that the member of the election commission were appointed by Managing Committee of the Association in accordance with the Rule 14 of Trade Organizations Rules, 2013. However, it pertinent to mention that Mr. Ashraf Sheikh nominated as member of the election commission was office bearer of the association till 30.09.2019. As per Rule 16 (c) of Trade OR, 2013 the office bearers during the preceding two years shall not be eligible to be nominated as member of election commission.

ORDER

Arguments heard and documentary evidence / record perused. The appellant failed to provide sufficient evidence to substantiate the allegations against the appointment of election commission members except Mr. Ashraf Sheikh who was office bearer till 30.09.2019. However, due to his resignation the cause of action no more exists. Hence the appeal is dismissed.

Announced Dated:-01-09-2020.


(Riaz Ahmed)
Regulator (TO)

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