



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(45)/2020-TO

Islamabad, the 11th September, 2020

ORDER IN ORIGINAL NO 55/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Muhammad Shafiq

Versus

Chaman Chamber of Commerce and Industry (CCCI)

Present in the hearing.

1. Muhammad Shafiq
2. Mr. Ibtisam Rashid Mirza, Advocate (on behalf of Appellant)

VERSUS

3. Mr. Abid Mehmood (on behalf of Secretary General)

.....Appellant/
Complainant

.....Respondent

Date of Hearing: **09-09-2020**

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: **11-09-2020**


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 Muhammad Shafiq of M/s Muhammad Shafiq and Brothers against the decision of Election Commission of Chaman Chamber of Commerce and Industry (CCCI) regarding rejection of his nomination papers for election of Executive Committee member for the year 2020-21. The case was fixed for personal hearing on 09-09-2020, which was attended by both sides.

2. The Counsel for the appellant contended that the appointment of Secretary General has not been done in accordance with the provision of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. He is middle pass self employee of a person. The Counsel for the appellant further alleged that the appointment of Election Commission has not made in accordance with the Rule 16 of Trade Organizations Rules, 2013. Election schedule was not circulated and the appointment of member Election Commission is not based on merit nor in accordance with the Trade Organizations Rules, 2013.

3. The Counsel further contended that the election schedule and provisional voters list have not been uploaded on the website of the Chamber nor displayed on the notice board of the Chamber, which is violation of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. There are many illegal voters have been included in the voter list and they have not qualify for member / voter of the Chaman Chamber of Commerce and Industry.

4. The Counsel for the appellant further stated that the appellant is a bonafide member of Chaman Chamber of Commerce and Industry and submit annual renewal fee within time and renewed membership. The appellant submitted nomination papers for the election of Executive Committee member of CCCI, which was rejected by the panel of scrutinizer instead of members of Election Commission on the ground that he is not included in the voter list. it shows that the members of Election Commission are not proper appointed.

5. On the other hand, the Counsel on behalf of Secretary General contested that the appeal is not signed by the appellant, hence not maintainable. The Counsel further contested that the appellant did not renew his membership for the year 2020-21, hence not eligible to file nomination paper for election as member of the Exertive Committee. The receipt of fee prescription is tempered by the appellant. The fee deposit slip is actually belongs to Dawood and the appellant over write his name i.e. Shafiq on the carbon copy. The Counsel further contested that the appellant objection regarding appointment of Secretary General is on different issues and shall not be mixed with the election matter. The Counsel of Secretary General provided the copies of the subscription fee, one in respect of Dawood, which is verified by the respective bank i.e. Bank of Khyber and notification and Executive Committee resolution dated 15-7-2020.

FINDINGS:-

- i. Perusal of the documents shows that there is clear overwriting on the Bank receipt provided by the appellant. Further the receipt submitted by the Secretary General which is verified by the concerned bank, shows that the receipt is of the same serial number as submitted by the appellant belongs to Dawood. This shows that the appellant has not renewed the membership, hence not eligible to file nomination paper for contesting of election.
- ii. The appellant did not file any complaint regarding rejection of his renewal of membership at any forum. Further the appellant also failed to raise objection regarding non inclusion of his name in the provisional voters list for the year 2020-21 before the Secretary General and Election Commission and finally not filed appeal before the Regulator of Trade Organizations as per Rule 18 of TORs, 2013 and timeframe as provided in the election schedule of the Chamber.

Order:-

Arguments heard and documentary evidence / record perused. The Appellant failed to file objection as per Rule 18 of TORs, 2013 and time lines as provided in the election schedule of the Chamber to address his grievances. Hence, the appeal is dismissed as time barred.


(Riaz Ahmad)

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

Announced Dated:-11-09-2020.