



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(44)/2020-TO

Islamabad, the 10th September, 2020

ORDER IN ORIGINAL NO 56/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Rana Muhammad Shafqat

Versus

Bahawalpur Chamber of Commerce and Industry (BCCI)

Present in the hearing.

1. Mr. Waheed Arshad (on behalf of Appellant)
2. Mr. Malik Ghulam Sabir Advocate (on behalf of Appellant)

.....Appellant/
Complainant

VERSUS

3. Syed Abeer Haider, Secretary General BCCI
4. Mr. Irshad ul Haq, Member Election Commission
5. Mr. Irfan Shoukat
6. Mr. Ibtsam Rashid Mirza, Advocate (on behalf of Respondents)
7. Mr. Aurangzeb Khan, Advocate (on behalf of Respondents)

.....Respondent

Date of Hearing: 10-09-2020

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: 10-09-2020

By this order the undersigned intends to dispose of an appeal filed by Rana Muhammad Tafqat candidate for the election of Executive Committee, Bahawalpur Chamber of Commerce and Industry (BCCI) against the decision of Election Commission BCCI regarding inclusion of name of Mr. Irfan Shoukat in the provisional candidate list of Associate Class for election of Executive Committee for the elections year 2020-21. The case was fixed for personal hearing on 10-09-2020, which was attended by both sides.

2. The Counsel for the appellant contended that the member / voter is required to fulfill the criteria for membership and renewal of membership as required under Rule 11 and Rule 15 of Trade Organizations Rules, 2013. The Counsel for the appellant contended that the online verification of National Tax Number (NTN) of Mr. Irfan Shoukat is inactive and he has not filed income tax returns before the cut of date for renewal and he is not eligible as voter and not eligible to contest the election for the Executive Committee member of BCCI.

3. The Counsel for the appellant further contended that Mr. Irfan Shoukat is not eligible to be nominated as nominee of National Links (Mobilink) as he is not qualified to be member of BCCI and he has not any business with the name and style of National Links (Mobilink). The record of Federal Board of Revenue (FBR) shows that the National Link is registered bearing having NTN as 18863728 (which is different one as mentined in the provisional and final voter list).

4. The Counsel for the appellant stated that Mr. Irfan Shoukat is not a valid member / voter of BCCI and therefore his name has been excluded from the candidate list of BCCI for the election of Executive Committee year 2020-21.

5. On the other hand, the Counsel for the Respondents appeared and contested that Mr. Irfan Shoukat of M/s National Links (Mobilink) is a bona fide member of Bahawalpur Chamber of Commerce and Industry and he renewed his membership within time as per Rule 11 and Rule 15 of Trade Organizations Rules, 2013, hence he is eligible as member / voter and for the election of Executive Committee of BCCI. The Counsel for the Respondents further contended that the name of Mr. Irfan Shoukat nominee of M/s National Links (Mobilink) has been included in the provisional voters list of BCCI and no objection was filed on the entry of his name before the Secretary General, nor Election Commission and has also not filed before the Regulator of Trade Organizations as per Rule 18 of TORs, 2013 and the objection on his membership is not maintainable at this stage.

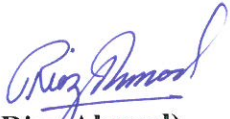
6. The Counsel for the Respondents submitted print of online verification of NTN dated 08-08-2020 and 09-09-2020 of NTN which shows that Income Tax is active.

FINDINGS:-

The objection on the entry of Mr. Irfan Shoukat of M/s National Links (Mobilink) in the provisional voters list of BCCI has not been raised as per Rule 18 of TORs, 2013 and as per election schedule of BCCI, therefore the objections regarding membership on the provisional voters list at this belated stage is not maintainable being time barred.

Order:-

Arguments heard and documentary evidence / record perused. The Appellants failed to raise objection on the eligibility of membership / voter of Mr. Irfan Shoukat M/s National Links (Mobilink) on the provisional voters list as per the time line provided under Rule 18 of TORs, 2013 and election schedule of BCCI. Hence the appeal is dismissed and the decision of Election Commission is upheld.


(Riaz Ahmad)

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

Announced Dated:-10-09-2020.