



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(46)/2020-TO

Islamabad, the 11th September, 2020

ORDER IN ORIGINAL NO 58/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Haji Jalat Khan

Versus

Chaman Chamber of Commerce and Industry (CCCI)

Present in the hearing.

1. Haji Jalat
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

Received
JALAT KHAN
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 Haji Jalat CEO of M/s Jalat Khan and Company Private Limited against the irregularities in the election process of Chaman Chamber of Commerce and Industry for the elections 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 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 for the appellant further contended that the Chaman Chamber of Commerce and Industry is running by one personality and the original license is also his control and the one person used the license of the Chamber for his personally interest which is violation of Trade Organizations Act, 2013 and Trade Organization Rules, 2013. There is no record of finances in the Chamber for many years. The real business community is suffering for non availability of proper plat form of Chamber. The compliance of TOA, 2013 and TORs, 2013 are not done by the Chamber. The elections were not conducted in accordance with the provision of Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. 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 members / voters of the Chaman Chamber of Commerce and Industry.

4. The Counsel for the appellant submitted a list of 42 voters of corporate class that they have not met the criteria for corporate class members as defined in the Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. The Counsel for the appellant prayed that the election of the Chamber may be declared null and void and an inquiry may be conducted to resolve the issue of the Chamber.

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 the election of Chaman Chamber of Commerce and Industry are conducting in accordance with the

provision of TOA, 2013 and TORs, 2013. The appellant did not file objections before the Secretary General nor Election Commission as per Rule 18 of TORs and at this stage the objection on voters list are not maintainable.

FINDINGS:-

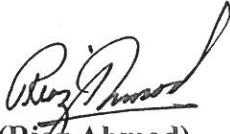
- i. There are many irregularities in the voters list of Chaman Chamber of Commerce and Industry. It is observed that the Secretary General is not maintaining the record and many members were illegally included in the voters list and some valid members were not included in the voters list.
- ii. The appellant did not raise objections on the voters list as per Rule 18 of TORs, 2013 and timeframe as provided in the election schedule of the Chamber.
- iii. The issues relating to the basic membership of corporate class and misuse of finances are to be settled after elections.

Order:-

Arguments heard and documentary evidence / record perused. The complaint is decided as under:-

- i. The objections raised by the appellant on the voters list are time barred.
- ii. The issues relating to the basic membership of corporate class and associate class and non compliance of TOA 2013 and TORs, 2013 of the Chamber are to be decided after election.
- iii. The Secretary General is directed to submit a compliance report regarding all issues pertaining to membership, SECP compliance, financial audit report for last five years, and all compliance of Rule 6 of Trade Organizations Rules 2013 within (30) thirty days from the issuance of this order failing which this office shall be constrained a legal action against the Chamber.

Announced Dated:-11-09-2020.


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