



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(47)/2020-TO

Islamabad, the 14th September, 2020

ORDER IN ORIGINAL NO 65/2020

Passed by Mr. Riaz Ahmad Regulator of Trade Organizations

Muhammad Tayyab Mughal

Versus

Faisalabad Chamber of Commerce and Industry (FCCI)

Present in the hearing.

- I. Mr. Tayyab Hussain
- II. Rana Abdul Latif Khan, Advocate (on behalf of Appellant)

VERSUS

1. Malik Ghulam Sabir, Advocate (on behalf of Respondents)

Date of Hearing: 14-09-2020

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: 14-09-2020

In compliance of the Honorable Lahore High Court order dated 10-009-2020 received on 14-09-2020 passed in Writ Petitin No. 40986/2020 filed by Mr. Muhammad Tayyab Mughal V/s Federation of Pakistan and others. The case was fixed for personal hearing on 14-09-2020.

- i. The Counsel for the appellant stated that the appellant submitted a representation before the Election Commission on 31-08-2020 regarding allotment of election symbols to all contesting candidates separately and to arrange the names of contested candidates alphabetically. The Election Commission did not decide the representation till date. The Counsel further contended that the appellant also filed a representation to the Regulator TOs in which Regulator TOs issued directions to the Secretary General FCCI.
- ii. The Counsel for the appellant stated the Election Commission added the names of first seven candidates from one group which is a malafide on the part of the Election Commission.
- iii. The Counsel for the Respondents appeared and contested that the Election Commission printed the ballot papers as per previous practice of FCCI elections and there is no specific rule in the Trade Organizations Act, 2013 and Trade Organizations Rules, 2013 to print these ballot papers alphabetically.
- iv. The Counsel for the Respondents stated that the election of Corporate Class is being held today and the election of Associate Class is be held tomorrow. Therefore at this stage when the election is being held, the change of ballot papers will badly affect the election schedule as well as the whole election process of FCCI.


FINDINGS:-

- I. The representation of appellant received by the office of Regulator TOs has been decided vide letter of DGTO dated 10-09-2020.
- II. The order of the Honorable Lahore High Court, Lahore received today and the election for Corporate Class is held today and the ballot papers of FCCI elections has been printed.
- III. At this stage when the elections of Corporate Class are being conducted today, it is not possible to change the ballot papers at this belated stage and stop the process.
- IV. The appellant has a remedy to file post election complaint under Section 14(3)(f)(iii) of Trade Organizations Act, 2013 after the conduct of elections.

Order:-

Arguments heard and documentary evidence / record perused. As the order of the Honorable Lahore High Court Lahore has been received today and the election of the Corporate Class of FCCI is held today and thereof the Associate Class is to be held tomorrow and the ballot papers have been printed. At this stage it is not possible to change the ballot papers and issued symbols to the candidates. It will sabotage the democratic process. If any transparency issues in polling process are pointed out, the aggrieved party may approach this office under Section 14(3)(f)(iii) of Trade Organizations Act, 2013 as post election complaint. Further the Election Commission is directed to vigilantly conduct the elections.

2. The matter stands disposed of accordingly.


(Riaz Ahmad)

Regulator (TO)

Announced Dated:-14-09-2020.

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