



THROUGH COURIER, EMAIL, WEBSITE

DECISION NO. 116 (289) - CORRIGENDUM
PASSED BY THE SECRETARY GENERAL FPCCI

MR. EHTESHAM ZAMAN
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NOMINEE FROM ATTOCK CHAMBER OF COMMERCE & INDUSTRY

----- COMPLAINANT

MR. ABID ALI
Managing Director, M/s. Abid Ali & Co.
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(BASE), Top Olding Road, Skardu
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NOMINEES FROM SKARDU CHAMBER OF COMMERCE & INDUSTRY

----- RESPONDENT

Subject: **OBJECTION UNDER RULE 18(4) OF THE TRADE ORGANIZATIONS RULES 2013 AGAINST THE NOMINATIONS SENT BY SKARDU CCI AS PUBLISHED IN THE PROVISIONAL LIST FOR THE ELECTION YEAR 2024-2025**

This is continuation of FPCCI Order No. 116 (289), No. FPCCI.EL2024-25/2023/12145 dated 15th November 2023, in which FPCCI informed that the Complainant has withdrawn objection. However, the complainant did not withdraw from his petition/objection, which was wrongly signed on the objection papers by Mr. Ghulam Sabir Malik (Advocate) Consul appeared on behalf of the Respondent, during the hearing on the subject objection papers, submitted by Mr. Ehtesham Zaman, nominee of Attock CCI as Complainant.

In view of the above explanation, the objection received in FPCCI Head Office Karachi on 10th November 2023, filed by the Complainant, Mr. Ehtesham Zaman, Nominee of Attock CCI against the nominees of Skardu CCI is still in the field and under decision.

Important to note, that the hearing was held in this case at FPCCI Head Office Karachi and the Consuls of Complainant(s) and the Respondent(s) also attended and represented on their behalf. Arguments were advanced by both the parties. Therefore, after going through the said arguments and the documents referred / submitted; the findings are as follows;

1. That the nominee Mr. Abid Ali, Managing Director, Abid Ali & Co. (Nominee on EC&GB Corporate Class) having FBR NTN 33202-42815083, showing Company "Abid Ali & Co." and showing Income Tax Active. However, the active Sales Tax status is not showing on FBR Certificate.

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FPCCI Regional Office, Quetta

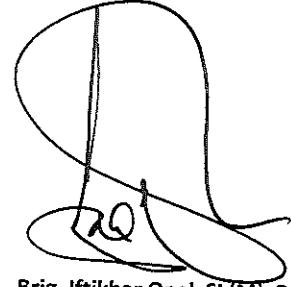
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2. That the Corporate Class nominee i.e. Mr. Abid Ali has not provided the evidence of 50 Million annual turnover.
3. That the nominee Mr. Arif Mehmood, CEO, Al-Hassan Trading Company (Nominee on GB Corporate Class) having FBR NTN 2178729-8, showing Company "Al-Hussan Trading Company" and showing Income Tax Active. However, the active Sales Tax status is not showing on FBR Certificate.
4. That the Corporate Class nominee i.e. Mr. Arif Mehmood has not provided the evidence of 50 Million annual turnover.
5. The Chamber has provided a list of 151 Members of Skardu CCI, while the membership threshold as per Rule 10(2)a is 300 Members.
6. Reviewed the Resolution provided by the Skardu CCI with the nomination papers, showing that both the nominees representing corporate class i.e. Mr. Abid Ali on EC&GB and Mr. Arif Mehmood on GB of FPCCI, , which is against the Rule 20(2)c of TOR 2013.
7. The Website of Skardu CCI is active, however, the mandatory requirements of contents are not shown as per TOR 2013.

In view of the above documentary evidences, FPCCI apprise to inform you that the aforementioned nominations are not in order for inclusion in the Provisional List of Voters issued on 4th November 2023. Therefore, both the nominees i.e. Mr. Abid Ali, Nominee on EC&GB Corporate Class and Mr. Arif Mehmood, Nominee on GB Corporate Class, are excluded from the provisional list of voters and the objections raised by the complainant are hereby accepted.



Brig. Iftikhar Opel, SI (M), Retd
Secretary General

Copy to: Regulator Trade Organizations Islamabad
Members Election Commission FPCCI
Secretary General, Skardu CCI

Secretary General,
Federation of Pakistan
Chambers of Commerce and Industries,
Karachi.

CC To: Election Commission,
Federation of Pakistan
Chambers of Commerce and Industries,
Karachi.

OBJECTIONS UNDER RULE 18 (4) OF THE TRADE ORGANIZATION RULES, 2013
AGAINST THE NOMINATION SENT BY SKARDU CHAMBERS OF COMMERCE
AND INDUSTRY AS PUBLISHED IN THE PROVISIONAL VOTER LIST FOR THE
ELECTION YEAR 2024-2025.

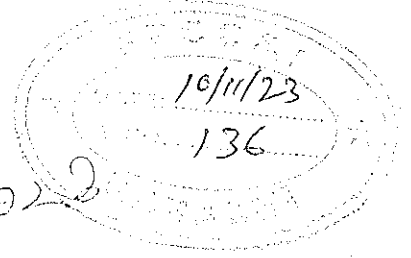
1. That the undersigned is filling the instant objections against MR. ABID ALI, a nominee for CORPORATE MEMBER the aforesaid association for the election of the Federation of Pakistan Chambers of Commerce and Industry for the election year 2024-2025. The nomination of aforementioned nominee is in violation of Trade Organization Rules 2013 as well as Trade Organization Act, 2013 on the grounds inter alia, mentioned as below:

- i. That as per the FBR's online verification, as sought from the credentials provided in the Provisional Voter's List the nominee is not an active taxpayer and has not filed Income Tax and Sales Tax Returns for the year 2022-2023 and his taxpayer status appeared as "non active" hence, being in violation of Rule 2(g) of the Trade Organization Rules, 2013. The same can be verified by the by the Online Tax Payers Inquiry Profile issued by the FBR, hence being in violation of Rule 11 and Rule 15 of the Trade Organization Rules, 2013. Moreover, the nominee has also not provided any proof of requisite annual turnover as necessary in accordance with rules Moreover, the nominee has also not provided his status as business entity on whose behalf the nomination has sent.
- ii. That moreover, the SKARDU Chambers of Commerce and Industry is not able to provide the list of members in accordance with Rule 10 (2) (a) of the Trade Organization Rules, 2013 hence, is not able to maintain the minimum membership threshold of 300 members necessary for being licensee of the Chamber, hence being in violation of the aforesaid rule. Therefore, it can easily be inferred that the aforesaid Chamber in defunct and nonfunctioning, using the garb of trade organization to manipulate the electoral process for their own interests. Hence, the aforesaid member stands in violation of the Section 3 of the Trade Organization Act, 2013 as well as Rule 2(e), Rule 11 and Rule 15 of the Trade Organization Rules, 2013 moreover aforesaid chamber has sent both of its nominations from corporate class which stands in article violation of rule 21 of Trade Organization Rules, 2013.

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Abid Ali

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Complaint
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Chief

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- iii. That moreover, the website of the SKARDU Chambers of Commerce was neither functional nor any list of members was displayed in it, hence the mandatory statutory requirement was not fulfilled by the aforesaid trade organization.
- iv. That the judgments pronounced by the Hon'ble Court, more particularly reported as PLD 2021 ISB 204, 2020 CLD 121 and Gulzar Feroz VS DGTO; have held that the requirements qua eligibility of membership, eligibility to vote and other conditions required by the Trade Organizations Act, 2013 and the Trade Organizations Rules, 2013 are to be mandatorily and compulsorily met, even a nomination of a purported member or from a non compliant trade organization is in negation of, violation of or contrary to the provisions of the Trade Organizations Act and Rules, such nominations are to be rejected forthwith.

PRAYER:

- I. In the light of aforementioned facts and circumstances, it is therefore respectfully prayed from this Hon'ble Office that the nominations sent by the SKARDU Chambers of Commerce and Industry may please be rejected and deleted from the Provisional Voters List for the year 2024-2025 as the same is being sent in violation of the Trade Organization Act and Rules as aforementioned. Moreover, the aforesaid trade organization do not fulfill the mandatory, statutory, prerequisite in accordance with Rules and Act, therefore the same is not eligible for representation at FPCCI Elections for the election year 2024-2025.
- II. That the nomination of MR. ABID ALI may please be deleted and removed from the Provisional Voters List for the year election year 2024-2025 as the nominee is included in the list by misrepresentation, whereby the same do not abide by the Rule 2(g), Rule 11 as well as Rule 15 of the Trade Organization Rules, 2013 as well as the judgements of the Courts of Superior Judiciary, notably PLD 2021 ISB 204, 2020 CLD 121 and Gulzar Feroz VS DGTO. Hence, the aforesaid nominee do not fulfills the eligibility to vote in accordance with Rule 15 of the Trade Organization Rules, 2013 and may please be treated in accordance with law.

Dated:
10th November, 2023

Applicant/ Objector
EHTESHAM ZAMAN
EC Member
Attock Chamber of Commerce & Industry

Through Counsel