

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023-12357
23rd November 2023

Through E-mail, Website, Courier

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NOMINEE ON GB (ASSOCIATE) FROM ALL PAKISTAN TEXTILE MILLS ASSOCIATION

MR. SHAHID SATTAR
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----- APPELLANTS

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NOMINEE FROM PAKISTAN OIL TANKERS OWNERS ASSOCIATION

----- RESPONDENT

DECISION # 10 (017 – 051)

PASSED BY THE ELECTION COMMISSION OF FPCCI (FPCCI ELECTIONS 2024-2025)

Consequent upon Appellant's written representation / appeal to the Election Commission of FPCCI, received on 18th November 2023 in FPCCI Head Office Karachi from Shaikh Mohammad Imran, nominee on GB (Associate) from All Pakistan Textile Mills Association and Mr. Shahid Sattar, Secretary General APTMA, against the decision of the Secretary General of FPCCI, as follows:

Decision of the Secretary General:

"After going through the said arguments and the documents referred/ submitted, my finding are as follows;

1. The learned Council for the Respondent has submitted the MOA of M/s. Din Industries Limited, whereas email was also received from the said nominee, which shows that he is in retail business of the company Din Industries Ltd. Whereas membership certificate has also been provided which shows that M/s. Din Industries Limited is member of the subject Association.
2. On the other hand the learned Council for the Applicant has submitted a print out of the extract of membership of the subject association, which shows that the only a company by the name of M/s. Din Industries Pvt. Limited is a member of the subject association.

3. The nomination papers, which were submitted by the subject Association, duly signed by Secretary General and President, the status of the company is Limited and not Private Limited.
4. The objection raised by the Complainant regarding the validity of the Company of Shaikh Mohammad Imran, FPCCI has reviewed the nomination papers and found the discrepancy in the nomination papers and the supporting documents provided by the Association:
5. A clarification from the Secretary General of APTMA, has been submitted which says that due to typo error whereby the name of Din Industries Limited has been wrongly given as Din Industries Pvt Ltd.
6. The nomination papers signed by the Secretary General and Chairman of APTMA, showing the Company i.e. M/s. Din Industries Pvt. Ltd, as well as the List of Members also showing M/s. Din Industries Pvt. Ltd.
7. That the Membership certificate of Mr. Shaikh Mohammad Imran, showing M/s. Din Industries Limited.
8. That the NTN Certificate showing M/s. Din Industries Limited.
9. The License of the APTMA is valid upto 13th July 2026, issued by the Ministry of Commerce.
10. The Website of the Association is active, by showing list of members, whereas the Company name showing M/s. Din Industries (Pvt) Limited.
11. The second limbs of the objection that as per the definition of Association, a body corporate cannot be nominated on Associate class.

The similar case was decided by the DGTO vide Order No. 97/2020, F.No. 6(66)/2021-TO dated 3rd December 2021, Muhammad Hanif Gohar Vs Election Commission of FPCCI, as under:

“The instant appeal is not-allowed and the decision of the Election Commission FPCCI is upheld. Secretary General of FPCCI is directed to exclude the name of M/s. Gohar Construction Company Pvt. Ltd. From the voters list of FPCCI for the year 2022. The matter stands disposed off accordingly. “

In view of the above and after going through the said contentions of the learned councils, the undersigned has reviewed the membership listing of last two years as submitted of the subject Association, which shows that the list in both the years the status of the company is shown to be Private Limited Company and not a Limited Company. As such the object as received by the Complaint seems to be valid. Shaikh Mohammad Imran, cannot represent Associate Class as the Director of M/s. Din Industries Pvt. Limited or Din Industries Limited.

Therefore, in view of the above narrated faced the undersigned is unable to accept the name of Sheikh Mohammad Imran as valid Member of GB (Associate) Class, nominated by APTMA, and the objections raised by the Appellant are accepted.”

Hearing Proceedings:

The learned Counsel for the Appellant has argued that the nominee of Associate class is fully entitled to be on the Provisional list. In support of his contention he produced the following documents;

- i. Nomination papers filed by APTMA.
- ii. Covering letter dated: 04-11-2023 and extract of the provisional list.
- iii. Payment receipts.
- iv. MOA of Din Industries Limited.
- v. Clarification issued by SG APTMA.

The thrust of the arguments was that due to typographical error the name of Nominee Company has been shown as “Din Industries Pvt ltd” whereas the correct name of the nominee company is “Din Industries Ltd”. It is also contended that the said nominee may kindly be treated as nominee on Corporate Class.

The learned Counsel for the Respondent pointed out numerous documents, specially the two years membership lists of the said Association which shows that no company, “Din Industries Ltd” is a member of the said Association. However, the name of “Din Industries Pvt Ltd” has appear in the membership lists.

In addition, he has pointed to the Membership certificate as produced on behalf of the said Nominee, which show that a membership certificate bearing serial No. 42509, Book No. 423, dated: June 14th, 2022, was issued to the said Nominee Company valid till 31-03-2023, whereas another membership certificate bearing serial No. 42508, Book No. 423, dated October 26th, 2023 was issued which was valid till 31-03-2024.

Beside the above glaring discrepancies, the membership list as available on the website of the said association also shows that only Din Industries Pvt Limited is the member of the said association and not the Din Industries Limited, till to-date.

The request / prayer of the Appellant to treat the said nominee on the corporate class is also not tenable, as also requested by the SG of the said association, as the decision for nomination is forwarded with the consent of the Executive Body of the said Association. Whereas no such decision has been produced or relied upon.

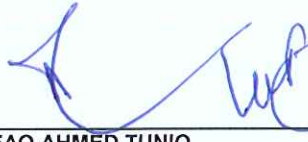
Decision of the Election Commission of FPCCI:

In the light of above discussion the appeal is devoid of any merit and is hereby declined and the name of Shaikh Mohammad Imran, nominee of All Pakistan Textile Mills Association is still excluded from the Provisional List.

This order is passed on Thursday, 23rd November 2023.



ARSHAD KHURSHID
Member of the Election Commission



ASHFAQ AHMED TUNIO
Member of the Election Commission



ANJUM RASHEED BAWA
Member of the Election Commission

Copy to:

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Secretary General FPCCI

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FPCCI 2024-2025

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