

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023-12366
23rd November 2023

Through E-mail, Website, Courier

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NOMINEE FROM ASSOCIATION OF BUILDERS & DEVELOPERS

----- APPELLANT

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NOMINEE FROM LORALAI CCI

----- RESPONDENTS

DECISION # 40 (061 – 185)

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 Mr. Nabeel Gohar, nominee of Association of Builders & Developers, 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;

The learned council for the complainant has submitted an uncertified copy of the order passed by the Hon'ble Supreme Court of Pakistan, dated: 07-11-2023, in CP No. 32-Q/2022 and CMAs No. 37-Q to 45-Q/2022, respect of following trade bodies;

1. Laoralai CCI.
2. Pakistan Transport Associate.
3. Scrap Importer Association.
4. Gas Heater Association of Pakistan.
5. Woman CCI, Quetta District
6. Plastic Scrap Association.
7. All Pakistan land Route Custom Agent Association.

8. Ghee Exporter Association.
9. All Pakistan Copper Importer Exporter Association.
10. All Pakistan Glass Manufactures Importers Exports.

The said Petition were disposed of by the Hon'ble Supreme Court of Pakistan. However, the Hon'ble Supreme Court has given liberty to the aforesaid trade bodies to avail their remedy under the law. As per the law, there are two provision which, are quoted in the said order, i.e. Section 6 and 9 of TO Act 2013. Both the said sections are different as Section 6 of the TO ACT deals with the renewal of licence whereas Section 9 of TO Act 2013 deals with De-nova Licence.

During the hearing held on November 14th, 2023, a query was put to the aforesaid Trade Bodies and all of them had stated that they had applied for the renewal of their respective trade bodes and they will provide the relevant documents in this respect.

The said Trade Bodies had supplied applications showing that they had applied for renewal of their respective trade bodies, beside the said objection no other objection were agitated by the learned Council for the Complainant

In the light of above facts, it will be prudent to allow the said trade bodies to be on the Provisional Voter List. The Complaint is declined."

Hearing Proceedings:

In order to provide both the parties an equal right of representation and plead their respective stances, the Election Commission of FPCCI granted both parties with the hearing opportunity on 20th November, 2023 at FPCCI Head Office Karachi.

Mr. Ghulam Sarwar Malik, Advocate High Court, appeared for the Appellant while Mr. Asad Jan Advocate High Court appeared for the Respondents. The main contention(s) of the Appellant are:

As the licenses of the said organizations have been cancelled/expired, they are not eligible to be enrolled/admitted as member of FPCCI or participate in elections of FPCCI for 2023. Moreover, the nominees do not have valid business of the relevant organization.

In response, the advocate for the Respondents referred to the judgment of the Supreme Court of Pakistan in Civil Petition No. 32-Q of 2022 and CMAs No. 37-Q to 45-Q of 2022 in Civil Petitions No. Nil of 2022 in consequence of cancellation of their licenses by the Regulator (Director General Trade Organizations). The matter was disposed of in the terms to avail the legal remedy under section 6 or 9 of the Trade Organization Act, 2013, as applicable. However, he did not provide any evidence regarding application for renewal or re-issuance of the relevant trade bodies' licenses or status of such application.

Decision of the Election Commission of FPCCI:

As the licenses of these organizations have been cancelled by the Regulator and the referred judgment of the Supreme Court merely allows them to avail remedy in terms of section 6 or 9 of TOR, and they failed to provide any evidence of renewal or re-issuance of license, these organizations are treated as unlicensed. As such, they are not entitled to be members of FPCCI, hence not allowed to participate in FPCCI elections.

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: Directorate General of Trade Organizations, Islamabad
Secretary General FPCCI

Arshad Khurshid
Member
Election Commission
FPCCI 2024-2025

Dr. Ashfaq Ahmed Tunio
Member
Election Commission
FPCCI 2024-2025

Anjum Rasheed Bawa
Member
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FPCCI 2024-2025