

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023
23rd November 2023 12350

Through E-mail, Website, Courier

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NOMINEE FROM MARDAN CHAMBER OF COMMERCE & INDUSTRY

----- APPELLANT

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NOMINEES FROM MIRPUR CHAMBER OF COMMERCE & INDUSTRY

----- RESPONDENTS

DECISION # 41 (064 – 187)

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. Zahir Shah, nominee of Mardan CCI, 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 is as follows;

That the sole objection raised by he learned council for the Complainant is that the status of the Mirpur Chamber of Commerce & Industry in FPCCI is only restricted to the extent that they are member of FPCCI whereas they do not have the right to vote in the election of FPCCI.

In this regard we apprised and quote the following order of the Honorable High Court of Islamabad:

WP 4515/2021 Misc. Other (SB) vide order dated 20th December 2021, has allowed the Mirpur Chamber of Chamber of Commerce to cast the vote from the jurisdiction and fall under the ICT.

In view of the Order of the Honorable High Court of Islamabad, the nominations received from the Mirpur Chamber of Commerce & Industry are found to be valid. Accordingly the objection(s) are declined.”

Hearing Proceedings:

This appeal has been instituted by **Mr. Zahir Shah Proprietor M/s. Anwar Member & Co.**

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. Asad Ullah Shah, Advocate High Court, appeared for the Appellant while Mr. Ghulam Sabir Malik, Advocate High Court appeared on behalf of the Respondents. The main contention(s) of the Appellant are:

- Mirpur is not a District within the territory of Pakistan, and is part of Azad Jammu & Kashmir which forms a separate and independent territory. AJK has its own constituent assembly which promulgates laws, and laws enacted in Pakistan are not applicable to AJK. The Trade Organisations Act, 2013 and Trade Organisation Rules, 2013 do not cover trade organisations which are not in the state of Pakistan.

In response, the learned Counsel for the Respondent furnished a copy of Order-in-Original No. 109/2023 dated 3rd December, 2021 passed by the Regulator (Director General of Trade Organisations) regarding renewal of licence of Mirpur Chamber of Commerce & Industry, and a copy of Order dated 20.12.2021 of the Islamabad High Court on the same issue.

Decision of the Election Commission of FPCCI:

As a license has been issued to the Mirpur Chamber of Commerce & Industry by the Regulator (DG Trade Organisations) and being renewed from time to time, the contentions of the Appellant cannot be accepted. As such, the instant appeal is not maintainable and is hereby dismissed. Therefore, both the nominees of Mirpur CCI are stands still valid in the provisional list.

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


ARSHAD KHURSHID
Member of the Election Commission
Arshad Khurshid
Member
Election Commission
FPCCI 2024-2025


ASHFAQ AHMED TUNIO
Member of the Election Commission
Dr. Ashfaq Ahmad Tunio
Member
Election Commission
FPCCI 2024-2025


ANJUM RASHEED BAWA
Member of the Election Commission
Anjum Rasheed Bawa
Member
Election Commission
FPCCI 2024-2025

Copy to: Directorate General of Trade Organizations, Islamabad
Secretary General FPCCI