

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023-12377
23rd November 2023

Through E-mail, Website, Courier

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NOMINATED ON GB ASSOCIATE FROM SARHAD CHAMBER OF COMMERCE & INDUSTRY ----- APPELLANT

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NOMINEES FROM MUSA KHEL CCI ----- RESPONDENTS

DECISION # 53 (083 – 233)

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 Haji Muhammad Afzal, nominee of Khyber CCI, against the decision of the Secretary General of FPCCI, as follows:

Decision of the Secretary General:

"In view of your objections, we apprise to draw your attention on the following:

1. That the License of Musa Khel CCI CCI was earlier canceled by the DGTO / Ministry of Commerce vide Notification No. 4(2)/2017 dated 5th November 2020 and vide Order in Original No. 82/2020, letter No. 9(25)/2020-TO dated 5th November 2020.
2. Hence, the Honorable High Court of Baluchistan Quetta, in Civil Appeal No. 29/2022 vide Order dated 20th October 2022, passed the following order:

"CMA No. 1667/2022. In the meanwhile, the operation of impugned order vide F.No. 4(27)/2016-Export-I, dated 05-10-2022, the Order No. 79/2020 vide F.No. 9(25)/2020-TO, dated 20-10-2020, the impugned order No. 82/2020 vide F.No. 9(25)/2020-TO, dated 05-11-2020 are suspended till the next date of hearing."
3. Regarding validity of the nominations of Members of Musakhel CCI CCI on EC and GB of FPCCI, you did not provided sufficient and prudent evidences to check the validity of the nominees.

In view of the above order of the Honorable High Court of Baluchistan Quetta, and the documentary evidences provided by the MusaKhel CCI, FPCCI apprise to inform you that the aforementioned nominations were found well in order for needful inclusion in the Provisional List of Voters issued on 4th November 2023. Moreover, your objections are not substantiated with any prudent evidences and accordingly your objections cannot be entertained and becomes invalid."

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 Ullah 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 Orders of the Sindh High Court in various Suits which first allowed the said trade bodies to submit their votes for FPCCI elections held in 2021 in sealed envelope, not to be counted, but later allowed their votes to be counted. However, it was observed that these orders were with specific reference to those elections. The learned Counsel did not provide any evidence regarding renewal or re-issuance of the relevant trade bodies' licenses.

Decision of the Election Commission of FPCCI:

The licenses of these trade bodies were cancelled by the Regulator (Director General Trade Organizations), and the cancellation orders were upheld by the Secretary Commerce. Subsequently, the Baluchistan High Court passed Order setting aside the orders, restoring the licenses of the appellants, and remanding the matter to the Regulator for decision as per law. However, the Respondents have failed to provide any proof of submitting application/compliance to the DGTO or renewal/re-issuance of their licenses. These organizations are treated as unlicensed, so they are not entitled to be members of FPCCI and 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
<u>Copy to:</u> Directorate General of Trade Organizations, Islamabad Secretary General FPCCI		Anjum Rasheed Bawa Member Election Commission FPCCI 2024-2025