

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023-12381
23rd November 2023

Through E-mail, Website, Courier

MR. ZUBAIR FARID TUFAIL
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NOMINEE FROM PAKISTAN CHEMICAL MANUFACTURERS ASSOCIATION

----- APPELLANT

MR. MUHAMMAD RAFIQ
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NOMINEES FROM SUBMERSIBLE PUMP IMPORTERS ASSOCIATION QUETTA

----- RESPONDENTS

DECISION # 63 (094 – 245)

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. Zubair F. Tufail, nominee of Pakistan Chemical Manf Association, against the decision of the Secretary General of FPCCI, as follows:

Decision of the Secretary General:

“The judgment order of the Hon’able High Court of Sindh in Suit No. 07 / 2022 along with Suit No. 2923 of 2021 & Suit No. 185 of 2022, passed on 18th March, 2022, the Court has allowed Submersible Pump Importers Association Quetta to cast their votes in FPCCI Elections.

In the light of above judgement of the Honourable High Court, it is prudent allowing Submersible Pump Importers Association Quetta to be on the Provisional Voter List. The Complaint is declined.”

Hearing Proceedings:

This appeal has been instituted by Mr. Zubair F. Tufail, Chairman, Tufail Chemical Industries Limited.

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
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