

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

Federation House, Tariq Sayeed Complex,
Main Clifton, Block 5, Abdullah Shah Ghazi Road, Karachi
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FPCCI.Election.2024-25/2023_12205
18th November 2023

Through E-mail, Website

URGENT & IMPORTANT

MR. AHMED CHINOY (H.I, S.I)
Managing Partner M/s. Arch Sons
715-716, Stock Exchange Building, Stock
Exchange Road, Karachi
T: 021-32422635-36 F: 021-32423279
M: 03333369755
E: archsons@cyber.net.pk, ahmedchino@gmail.com
NOMINEES FROM ALL PAKISTAN CLOTH MERCHANTS ASSOCIATION

----- APPELLANT

MR. GUL FARAZ KHAN
Proprietor M/s S.S. Chemicals
C-21, Shereen Jinnah Colony Block-1, Clifton
Karachi
T: 021-3588854 M: 03452625505
E: niazichairman01@gmail.com
NOMINEE FROM PAKISTAN OIL TANKERS OWNERS ASSOCIATION

----- RESPONDENT

HEARING # 13 (030 – 107)

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

Please refer to the Appeal dated Nil received on 18th November 2023 in FPCCI Head Office Karachi from Mr. Ahmed Chino, representing Pakistan Cloth Merchants Association, to the Election Commission of FPCCI, against the decision of the Secretary General of FPCCI.

The Election Commission of FPCCI is pleased to grant the appellant(s) and the respondent(s) a **hearing opportunity in person** or through their **authorized representative** (with letter of authorization from the Appellant(s) / Respondent(s)) before the Election Commission of FPCCI alongwith all original / relevant documents, as per following schedule:

Day & Date: **Monday, 20th November 2023**
Time: **Between 11:00 a.m. to 12:00 a.m.**
Venue: **Basement 2, FPCCI Head Office Karachi**


FPCCI has arranged special Zoom link facility for the outstation Appellant(s) / Respondent(s). Those who are unable to attend physically may avail the hearing via Zoom Link, by the following link:


Zoom ID: 764 276 3799
Password: fpcci1214
Link: <https://us06web.zoom.us/j/7642763799>

Punctuality of time is requested. Also you are requested to be precise and brief.

In case of non- appearance, the case shall be decided ex-parte.


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

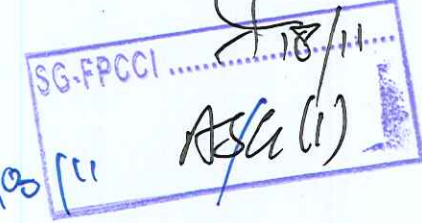
30(107) 38 (107)

BEFORE THE ELECTION COMMISSION OF THE FEDERATION OF PAKISTAN
CHAMBER OF COMMERCE AND INDUSTRY.

Ahmed Chinoy, Managing Partner, M/s Arch Sons, 715, 716, Stock Exchange, Building, Stock Exchange Road, Karachi.

... APPELLANT

Versus



- B.C
Q 105/11
1. **Malik Muhammad Khalid**, Proprieter M/s Gujjar Electrical Company, 36-Madina Electric Market, Shahalam Gate, Lahore.
 2. Federation of Pakistan Chamber of Commerce and Industry, Federation House, Main Clifton, Block-5, Abdullah Shah Ghazi, Road, Karachi, Through, its Secretary General.

... RESPONDENTS

APPEAL UNDER RULE 18(6) OF THE TRADE ORGANIZATIONS RULES, 2013
AGAINST THE ORDER PASSED BY THE SECRETARY GENERAL OF THE FPCCI.

Respectfully Sheweth:

- 1). That through the instant appeal the appellant respectfully seek to impugn the **Order dated 05-11-2023** ("the Impugned Order"). Through the impugned order the Secretary General of the FPCCI, accepted the objection/appeal filed by the Respondent No.1 appellant.
- 2). That the Respondent No.1 filed the objection before the Secretary General of the FPCCI against the Appellant alleging that the nomination the Appellant is sent by the Pakistan Cloth Merchant Association ("PCMA") in violation of the Section 3 (2) (d) of the Trade Organizations Act, 2013 ("2013 Act") read with Rule 3(2)(d), the Trade Organizations Rules, 2013, ("2013 Rules").The appellant has no business interest of cloth merchant and the business concern

does not have annual turn over of 50 million therefore is not eligible to be nominated as corporate member.

- 3). That the counsel for the Appellant appeared and during the hearing and submitted the written response to the objections along with partnership deed Memberships certificates, return of income tax and members list of PCMA, showing that the Appellant is partner in Arch sons and have annual turn-over of more then 50 million and partnership deeds shows that the AOP is related to a business of cloth merchant, therefore is eligible to be a corporate member of PCMA.
- 4). That the Secretary General of FPCCI through the impugned order failed to appreciate the vital question of law and facts that were urged before the Secretary General Respondent and is liable to be set aside on the following amongst other grounds:-

GROUNDS

- a). That the impugned order is against the law, facts and circumstances of the case available on record.
- b). That the Secretary General while passing the impugned order did not apply its judicial mind and rendered the order contrary to the law hence the impugned order is not sustainable in the eyes of law.
- c). That the impugned order was passed without application of mind and reasoning while deciding the objection, thus the same is non speaking order and cannot be sustained in the eyes of law.

That the Appellant is the nominee of the APCMA as Managing Proprietor Arch Sons. That during the course of the hearing before the Secretary General the Appellant's counsel submitted the written response to the objections along with partnership deed Memberships certificates, Return of income tax and members list of PCMA, showing that the Appellant is partner in Arch sons and have annual turn-over of more then 50 million and partnership deeds shows that the Arch Sons is related to a business of cloth merchant, therefore is eligible to be a corporate member of PCMA, but the Secretary General deliberately has not referred the said documents in its order.

The copies of the written response to the objections along with partnership deed Memberships certificates, Return of income tax and members list of PCMA, partnership deed are attached along with the instant Appeal.

- d). That the impugned order was passed out side of the scope and limitations of the law and is not sustainable.

- e). That the Secretary General FPCCI passed the impugned order in sheer violation of the Trade Organizations Rules, 2013 and the Trade Organization Act, 2013, which provides the complete mechanism for the inclusion/exclusion /deletion of any entry in the Provisional/ Final voter list hence the impugned order is not sustainable in the eyes of law.
- f). That the impugned order was passed in violation of Fundamental Rights and Principles of natural justice. That Rule of Justice demands that before any adverse order, penalty or liability was passed or imposed upon a party, it should be afforded full opportunity to meet the case and rebut the evidence used against it hence the impugned order is not sustainable in the eyes of law.
- g). That the learned Secretary General while passing the impugned order overlooked the factum that the Trade Organization Act, 2013 which stipulates the procedure in case of contravention of any provision of the Act or any rule or order or instruction, the impugned order was passed by the learned Election Commission arbitrarily, illegally and tantamount to abuse of law, authority as well as the infringement of constitutional and fundamental rights of the appellant ensured under the constitution of Pakistan, hence the impugned order is void, unfair, unjust, unwarranted, arbitrary, malafide, illegal and ineffective qua the rights of the petitioner.
- h). That the impugned order was passed without application of his independent mind and without even realizing that the impugned order not only illegal but also against the Article 17 of the Constitution of Pakistan, 1973, hence the respondent failed to discharge his duties as per exigencies of his statutory responsibilities and acted in excess of their statutory responsibilities and acted in violation of his lawful authority and in violation of law and constitutional mandate. Therefore, the conduct of the respondent no.1 & 2 is violative of the dictates of the Honble Superior Court and needs to be judicially reviewed by this Learned Authority.
- i). That the impugned order is based on conjectures and surmises which is not sustainable in the eyes of law.
- j). That while deciding the case and passing the impugned order, the Secretary General did not properly appreciate the documents/evidence on record hence the impugned order is the result of misreading and non-reading of the evidence.

Prayer

In view of the foregoing, it is therefore, most respectfully prayed that while accepting the present appeal the impugned order may kindly be set aside in the interest

of justice and the name of the Appellant may kindly be included in the Final Voter List of the FPCCI.

Any other relief that this Authority Court deem fit and proper may also be granted to the Appellant Company.

Through

APPELLANT



MALIK GHULAM SABIR
Advocate High Court