

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

Federation House, Tariq Sayeed Complex,
Main Clifton, Block 5, Abdullah Shah Ghazi Road, Karachi
T. 021-35873691-94, E. info@fpcci.org.pk, Website. www.fpcci.org.pk

FPCCI.Election.2024-25/2023-12210
18th November 2023

Through E-mail, Website

URGENT & IMPORTANT

MS. ZAHIDA IFTIKHAR
Director
M/s. Golden Hands Vocational Centre
Baba Khel Z.K.K. Sahib
Nowshera
M: 03346577809
E: syedazayeda@gmail.com
NOMINEES FROM WOMEN CCI MARDAN

----- APPELLANT

MS. SAFIA NAZ
Proprietor M/s. Gulrang Boutique
Khan Qilla Near Akhwan CNG Peshawar Road
Char Sadda
M: 03088275611
E: af03169129818@gmail.com
NOMINEES FROM CHARSADEA WOMEN CCI

----- RESPONDENT

HEARING # 18 (039 – 141)

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

Please refer to the Appeal dated 16th November 2023 received on 17th November 2023 in FPCCI Head Office Karachi from Ms. Zahida Iftikhar, representing Women CCI Mardan, 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 12:00 a.m. to 01:00 p.m.**
Venue: **Basement 2, FPCCI Head Office Karachi**

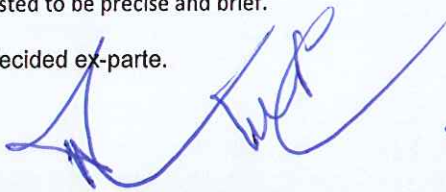
FPCCI has arranged special Zoom link facility for the outstation Appellant(s) / Respondent(s). Those who are unable to attend physically may avail the hearing via Zoom Link, by the following link:


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

Sr. 39
Lic-141

REF: WCC/FPCCI-ELECTION/23/2

November 16th, 2023



The Honorable Election Commission,
The Federation of Pakistan Chambers of Commerce & Industry,
(FPCCI), Federation House, Main Clifton-5,
Abdullah Shah Ghazi Road, Karachi.

Subject: REPRESENTATION FILED UNDER RULE 18 (B) OF THE TRADE ORGANIZATIONS RULES 2013, BY MS. ZAHIDA IFTIKHAR, NOMINEE OF WOMEN CHAMBER OF COMMERCE AND INDUSTRY MARDAN, DIVISION BEFORE THE WORTHY ELECTION COMMISSION OF FPCCI, AGAINST THE DECISION NO. 039 (141), DATED 16th NOVEMBER 2023, PASSED BY THE WORTHY SECRETARY GENERAL FPCCI IN THE COMPLAINT FILED BY MS. SAFINA NAZ AGAINST MS. SHABNUM NOREEN, (ASSOCIATE CLASS), (MEMBER OF EXECUTIVE COMMITTEE FPCCI) & MS. ZAHIDA IFTIKHAR, (CORPORATE CLASS), (MEMBER OF FPCCI), (FPCCI ELECTION 2024-25).

The undersigned/appellant namely Ms. Zahida Iftikhar, nominee of Women Chamber of Commerce and Industry Mardan, Division, (Corporate Class) (Member of FPCCI), begs to submit as under:-

1) That the instant representation is being filed under Rule 18 (B) of the Trade Organizations Rules 2013, by Ms. Zahida Iftikhar, nominee of Women Chamber of Commerce and Industry Mardan, Division, before the Worthy Election Commission of FPCCI, against the impugned decision No. 039 (141), dated 16th November 2023, passed by the Secretary General FPCCI, in the complaint filed by Ms. Safina Naz against Ms. Shabnum Noreen, (Member of Executive Committee) & Ms. Zahida Iftikhar, (Member of FPCCI), (FPCCI Election 2024-25), whereby the complaint filed by Ms. Safina Naz, was partially allowed. (Copy of the impugned decision dated 16th November 2023 at

Page 1 of 5

SG-FPCCI 17/11/23
ASU (P)

Annex(A). Concluding Para of the aforesaid decision dated 15th November 2023 is reproduced below:-

"As no proof was submitted as required under the TO ACT, which give special requirements for a nominee on Corporate Class. Therefore the nominee on Corporate Class is hereby directed to be removed from the Provisional Voter List".

"However, the nominee of Associate Class will remain on the Provisional Voter List".

"The Complaint is partially allowed in above terms".

2) That in this connection it is submitted that the Worthy Secretary General, has erred in law while passing the impugned order dated 15th November 2023 in a biased manner with predetermined mind on the basis of extraneous consideration in violation of the provisions of Trade Organizations Act 2013, (Hereinafter referred to as the Act) and Trade Organizations Rules 2013, (Hereinafter referred to as the Rules). Hence the impugned decision is without jurisdiction, against the law and facts and the same is based on misapplication of law. The impugned decision is based on surmises and conjectures and is beyond the scope of law. Hence the instant representation is filed against the impugned decision dated 15th November 2023.

3) That the undersigned being the Chief Executive and Director of M/s Golden Hands Vocational Center (Women) (SMC-Private) Limited, (Incorporated with SECP CRO Peshawar), is member (Corporate Class) of Women Chamber of Commerce and Industry Mardan, Division. It may also be noted that the undersigned is in the active tax payers list. (Copy of Incorporation Certificate dated 10th March 2018 at Annex(B) & Membership Certificate dated 31st March 2022 & 31st March 2023 at Annex(C), which demonstrate

that the undersigned belong to Corporate Class and has a valid membership within the meaning of Rule 11 and Rule 16 of the TO Rules 2013.

4) That the provisions of Rule 2 (1) (b) of TO Rules 2013, defines the "Corporate Member" as follows:-

"(a) "corporate member" means a member of a trade organization which is either a body corporate or a multinational corporation with its head office or branch office in Pakistan or a sales-tax-registered manufacturing concern or a sales-tax-registered business concern having annual turnover of not less than fifty million Rupees"

5) That in view of the aforesaid definition of "corporate member" any "body corporate" which is incorporated under the Companies Act 2017 or Companies Ordinance 1984 or Companies Act 2012 in Pakistan do not require to have an annual turn-over of not less than fifty million Rupees. In fact the said condition is required only for those business concerns which are not registered or incorporated under the Companies Act 2017 or Companies Ordinance 1984 or Companies Act 2012 in Pakistan and involved in the business of manufacturing and is sales-tax-registered manufacturing concern or a sales-tax-registered business concern.

6) That the undersigned categorically states that the objections filed by the complainant against the undersigned are without any substance and legal force. The objections are not only false and fallacious but also bereft of factual transparency and legal sacrosanct. It is pertinent to

mention made that the undersigned is nominee for Corporate Class (FPCCI) and not for Associate Class; therefore the FPCCI may kindly rectify the provisional list accordingly. The objections are therefore having no legal force and are liable to be rejected.

7) That the objections regarding non-inclusion of the name of the undersigned in the active taxpayer list is totally incorrect and filed with malicious intention to blackmail and harass the undersigned. (Copy of the FBR active taxpayer list is enclosed at Annexure 10), which demonstrate that the undersigned is in the active taxpayer list. The objection is therefore liable to be rejected. It is further submitted that as per Rule 2 (1) (g) the provision of annual turnover is not applicable to a body corporate (Incorporated under the Companies Law with SECP) to prove the annual turnover of the company. The said provision is applicable only to those business concerns which are not incorporated under the Companies law and involved in the business of manufacturing and registered for the purpose of sales tax. It is further submitted that having majority shares in the company, which is a single member company within the meaning of Rule 2 (1) (r) (iv) of TO Rules 2012, the undersigned is the Chief Executive and Director of M/s Golden Maida Vocational Center (Maman) (SMC-Private) Limited, (Incorporated with SECP GPO Peshawar). But the Worthy Secretary General failed to appreciate the merit of the case, and passed the impugned order dated 15th November 2023, which is not only against the law and facts but also without lawful authority and jurisdiction. Hence the same is not sustainable in the eye of law and is liable to be set aside.


8) That it may be submitted that during hearing of the case the worthy Secretary General has taken notice of the objections raised at Para II.

Para iii and Para iv of the complaint being incorrect and without any substance and turn down the same. It may be submitted that the present membership of the Chamber is 303, which is in accordance with the provision of rule 10(2) (a) of the TO Rules 2013. It may be submitted that website of the Chamber is active and all the requisite documents including the membership list are available on the website of the Chamber. All the requisite conditions have been properly fulfilled as provided under the TO Act 2013 and TO Rules 2013.

9) That the Worthy Secretary General has passed the impugned order in a mechanical manner which is an outcome of non-reading and misreading of the facts of the case and misapplication of law and is based on surmises and conjectures and beyond the scope of law.

PRAYER

In view of the above humble submissions, it is respectfully prayed that on acceptance of the instant representation, the impugned order dated 16th November 2023, passed by the Worthy Secretary General may kindly be set aside and declared to be illegal and inoperative and the name of the undersigned may graciously be included in the final voters list (FPCCI ELECTION 2024-25) and be rectified accordingly and the complaint in hand may please be dismissed.


ZAINAB IFTIKHAR
Nominee for CORPORATE CLASS
(Member GENERAL BODY FPCCI)
Women Chamber of Commerce and Industry Mardan
(CNIC 15101-4284406-2) (Mob No. 03335113732)


SADAF ARSHAD
Secretary General

Secretary General
Women Chamber of
Commerce & Industry Mardan