

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023-12224
18th November 2023

Through E-mail, Website

URGENT & IMPORTANT

MR. ZAHIR SHAH

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NOMINEE FROM MARDAN CHAMBER OF COMMERCE & INDUSTRY

----- APPELLANT

MR. JAVED IQBAL CHAUDHRY

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MR. GHULAM MURTAZA

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NOMINEES FROM MIRPUR CHAMBER OF COMMERCE & INDUSTRY

----- RESPONDENT

HEARING # 32 (064 – 187)

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

Please refer to the Appeal dated 18th November 2023 received on 18th November 2023 in FPCCI Head Office Karachi from Mr. Zahir Shah, representing Mardan Chamber of Commerce & Industry, 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:

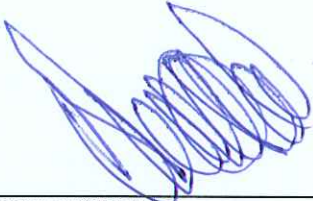
Day & Date: **Monday, 20th November 2023**
Time: **Between 2:00 p.m. to 3:00 p.m.**
Venue: **Basement 2, FPCCI Head Office Karachi**

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

Election Commission,
Federation of Pakistan
Chamber of Commerce and Industries,
Karachi.

**APPEAL UNDER RULE 18(6) OF THE TRADE ORGANIZATION RULES, 2013
AGAINST ORDER DATED 15.11.2023 PASSED IN COMPLAINT UNDER RULE
18(4) OF THE AFORESAID RULES BY SECRETARY GENERAL FEDERATION
OF PAKISTAN CHAMBER OF COMMERCE AND INDUSTRIES, KARACHI**

Respectfully Sheweth,

That the undersigned has filed the instant representation, being aggrieved of the order dated 15.11.2023 "Impugned Order" passed by the Office of the Secretary General of Federation of Pakistan Chamber of Commerce and Industry "Chair" consequent to the objection petitions filed under Rule 18(4) of the Trade Organization Rules, 2013 and heard on 13.11.2023 and 14.11.2023. The undersigned raised objections against the nominations of Mr. Javed Iqbal Chaudry and Mr. Ghulam Murtaza, nominated by Mirpur Chamber of Commerce and Industries.

The Chair declined the objections raised by the Appellant by giving the observations reproduced as follow:

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

WP 4515 of 2021 Misc. Other (SB) vide order dated 20.12.2021, has allowed the Mirpur Chamber of Commerce to cast the vote from the jurisdiction and fall under the ICT."

That on the basis of aforementioned observations the Chair rendered the decision as follow:

"In the view of the Order of the Honorable High Court of Islamabad, the nominations received from the Mirpur Chamber of Commerce and Industry are found to be valid. Accordingly, the objections are declined."

That the undersigned being aggrieved by the Impugned Order has challenged the same on the grounds as follows:

1. That the Impugned Order suffers from misreading and nonreading of the facts and record which were also submitted by the counsel for the undersigned during the course of proceedings.

2. That the Chair failed to recognize the primary grievance of the Appellant which was that by virtue of the Constitution of Islamic Republic of Pakistan, 1973 and Azad Jammu and Kashmir Interim Act, 1974 the territory of Azad Jammu and Kashmir can not be perceived part of Pakistan in accordance with international treaties and conventions of the United Nations. The states are bound to abide by the international commitments made by them and same has been affirmed by the Courts of Superior Judiciary. Consequently, the district Mirpur cannot be assumed as a district of Pakistan hence, not eligible to participate

in the electoral process of FPCCI. Moreover, the lapses in the compliance of the said trade organization were also not considered by the chair.

PRAYER:

In the light of facts and circumstances mentioned above, it is therefore respectfully prayed that the nominations sent by the Mirpur Chamber of Commerce and Industries may please be deleted as the said Chamber is not within the territorial boundaries of Pakistan and is a non complaint Chamber.

Dated: November 18, 2023



Appellant
Zahir Shah
through Counsel