

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.2024-25/2023-12241
18th November 2023

URGENT & IMPORTANT

Through E-mail, Website

MR. MOHSIN ALI
SECRETARY GENERAL
NAGAR CHAMBER OF COMMERCE & INDUSTRY
DISTRICT HEADQUARTER NAGAR
CHALT AKBAR MARKET, CHALT BALA, NAGAR
T. 051813-460112 F. 051813-460111
E. nagarccci@gmail.com

MR. QURBAN ALI
CEO, FALCON ASSOCIATES PVT LTD. NAGAR
C. 0300-8542210 / 0345-8542210
E. qurbanaligb@gmail.com
Nominated on EC&GB Corporate, from Nagar CCI

MR. MUHAMMAD ALI QAID
DIRECTOR, ALI TRADING COMPANY, NAGAR
C. 0310-0011150
E. aliquaidatc@gmail.com
Nominated on GB Associate, from Nagar CCI

----- APPELLANTS

HEARING # 49 (089 – 240)

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. Mohsin Ali, Secretary General Nagar CCI, Mr. Qurban Ali and Mr. Muhammad Ali Qaid, nominees / representing Nagar CCI, 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 4:00 p.m. to 5:00 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

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FPCCI & I
DATE: 18/11/23
R. NO: 45

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

1. Mr. Qurban Ali nominee of Nagar Chamber of Commerce and Industry as EC & GB, nominee of Nagar Chamber of Commerce and Industry, Zafar House, Akbarabad Chalt Tehsil Sikandarabad, District, Nagar, Gilgit Baltistan.
2. Mr. Muhammad Ali Qaid nominee of Nagar Chamber of Commerce and Industry as GB, nominee of Nagar Chamber of Commerce and Industry, Zafar House, Akbarabad Chalt Tehsil Sikandarabad, District, Nagar, Gilgit Baltistan.
3. Mohsin Ali Secretary General Nagar Chamber of Commerce and Industry, Zafar House, Akbarabad Chalt Tehsil Sikandarabad, District, Nagar, Gilgit Baltistan.

... .. APPELLANTS

Versus

Secretary General of Federation of Pakistan Chamber of Commerce and Industry, Federation House, Main Clifton, Block-5, Abdullah Shah Ghazi, Road, Karachi.

... .. 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 appellants respectfully seek to impugn the Order dated 05-11-2023 ("the **Impugned Order**"). Through the impugned order the Secretary General of the FPCCI, rejected the appeal filed by the appellants.
- 2). That the Respondent No.1 filed the representation for inclusion of names of the Appellant No.1 & 2 for inclusion in the provisional and final voter list as the submitting that the Nagar Chamber of Commerce and Industry as per rule 18(3) of the Trade Organizations Rules 2013 forwarded the nominations of Mr. Qurban Ali as EC & GB and Mr. Mr. Muhammad Ali Qaid as member GB of

the FPCCI to represent the Nagar Chamber of Commerce and Industry but the Secretary General illegally, unlawfully and Arbitrarily not included the said nominations in the provisional voter list issued by the FPCCI on 04-11-2023.

The Nagar Chamber of Commerce and Industry has a valid licence and is an old member of the FPCCI. The Nagar Chamber of Commerce and Industry paid its subscription fee before the timeline as conveyed through the letter dated 31-10-2023 issued by the FPCCI.

That it may kindly also be noted that the learned DGTO through its letter (F.No. 6(21)/2023 -TO dated 03-11-2023 directed that the Secretary General of the FPCCI is under obligation to enter the nomination in provisional voter list as received and thereafter being the first forum to decide the objections on the provisional voter list under sub-rule 4 of Rule 18.

That the Secretary General through its letter dated 06-11-2023 also requested that if there are any other outstanding amount is payable then the Secretary General is ready to pay the said amount.

That in light of the above said circumstances it is most humbly prayed that the Nagar Chamber of Commerce and Industry being a valid member of the FPCCI has every right to be represented in the FPCCI elections through representative.

- 3). 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:-

G R O U N D S

- 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.
- 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 names of the Appellant No.1 & 2 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.

APPELLANT

A handwritten signature in black ink, appearing to be 'Malik Ghulam Sabir', written in a cursive style.

Through

MALIK GHULAM SABIR
Advocate High Court