

**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 - 12245  
18<sup>th</sup> November 2023

**URGENT & IMPORTANT**

**Through E-mail, Website**

MR. LIAQAT ALI  
M/s. Ali & Co.  
Ammar Buliding, Near Soneri Bank Yousaf Shah  
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NOMINEE FROM JHANG CHAMBER OF SMALL TRADERS & SMALL INDUSTRY

MR. MUHAMMAD YOUNAS  
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M/s. Younas Dawakhana  
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NOMINEE FROM JHANG CHAMBER OF SMALL TRADERS & SMALL INDUSTRY

----- APPELLANTS

MR. WAQAR AHMAD NAYYER  
Proprietor  
M/s. New Jhang Union Goods Transport  
Forwarding Agency  
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MR. ABDUL QUYUUM  
Proprietor  
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NOMINEES FROM JHANG CHAMBER OF SMALL TRADERS & SMALL INDUSTRY

----- RESPONDENTS

**HEARING # 55 (095 – 246)**

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

Please refer to the Appeal dated Nil received on 18<sup>th</sup> November 2023 in FPCCI Head Office Karachi from Mr. Liaquat Ali and Mr. Muhammad Younas, nominees / representing Jhang Chamber of Small Traders & Small 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, 20<sup>th</sup> November 2023**  
Time: **Between 5:00 p.m. to 6:00 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.

  
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**ARSHAD KHURSHID**  
Member of the Election Commission

  
\_\_\_\_\_  
**ASHFAQ AHMED TUNIO**  
Member of the Election Commission

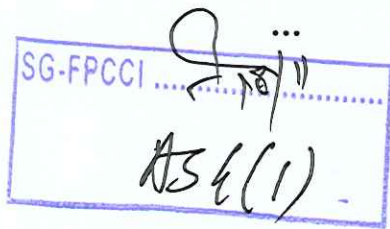
  
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**ANJUM RASHEED BAWA**  
Member of the Election Commission

Copy to: Directorate General of Trade Organizations, Islamabad  
Secretary General FPCCI

95 (246)

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

1. Liaqat Ali M/s Ali & Co. Ammar Building Near Soneri Bank Yousaf Shah, Road Saddar member EC & GB Associate class as representative of Jhang Chamber of Small Traders and Small Industries
2. Mr. Muhammad Younas Proprietor M/s. Younas Dawakhana, Tehsil Road, Jhang member GB Associate class as representative of Jhang Chamber of Small Traders and Small Industries



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APPELLANT

Versus



1. Mr. Waqar Ahmad Nayyar, Proprietor, M/s. New Jhang Union Goods Transport Forwarding Agency Sargodha Road member EC & GB (Associate) Class as representative of Jhang Chamber of Small Traders and Small Industries
2. Mr. Abdul Quyoum Proprietor M/s. You Zee Traders Thana Sadar Chowk, Jhang member GB from Associate Class as representative of the Jhang Chamber of Small Traders and Small Industries
3. Federation of Pakistan Chamber of Commerce and Industry, Federation House, Main Clifton, Block-5, Abdullah Shah Ghazi, Road, Karachi, Through, its Secretary General.

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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 Appellants filed objections before the Secretary General of the FPCCI against the Respondent No.1 and 2 as nominees of the Jhang Chamber of Small Traders and Small Industries ("JCSTSI") agitating that That the nomination of Mr. Waqar Ahmed Nayyar (Associate) as EC & GB is not approved by the executive committee of the Jhang Chamber of Small Traders and Small Industry (JCSTSI) and also not signed by the Secretary General of the JCSTSI. The NTN profile of Mr. Waqar Ahmed Nayyar reflects that he is proprietor M/s New Jhang Union Goods Transport forwarding Agency has not fulfilled the criteria of Section 2 (s) and 2(t) of the Trade Organizations Act, 2013 and also have not filed its annual return for the preceding year therefore, is not a valid member of the said JCSTSI consequently is not eligible voter hence, the said nomination could not represent the JCSTSI the FPCCI's election and is liable to be rejected.

That the nomination of Mr. Abdul Qayyum (Associate) as GB is not approved by the executive committee of the Jhang Chamber of Small Traders and Small Industry (JCSTSI) and also not signed by the Secretary General of the JCSTSI. The NTN profile of Mr. Abdul Qayyum (Associate) as GB reflects that he is not registered tax payer hence is not a valid member of the said JCSTSI consequently is not eligible voter hence, the said nomination could not represent the JCSTSI the FPCCI's election and is liable to be rejected.

- 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:-

#### GROUND 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.

The appellants agitated that nomination of Mr. Waqar Ahmed Nayyar (Associate) as EC & GB is not approved by the executive committee of the

Jhang Chamber of Small Traders and Small Industry (JCSTSI) and also not signed by the Secretary General of the JCSTSI. The NTN profile of Mr. Waqar Ahmed Nayyar reflects that he is proprietor M/s New Jhang Union Goods Transport forwarding Agency has not fulfilled the criteria of Section 2 (s) and 2(t) of the Trade Organizations Act, 2013 and also have not filed its annual return for the preceding year therefore, is not a valid member of the said JCSTSI consequently is not eligible voter hence, the said nomination could not represent the JCSTSI the FPCCI's election and is liable to be rejected.

The appellants further agitated that the nomination of Mr. Abdul Qayyum (Associate) as GB is not approved by the executive committee of the Jhang Chamber of Small Traders and Small Industry (JCSTSI) and also not signed by the Secretary General of the JCSTSI. The NTN profile of Mr. Abdul Qayyum (Associate) as GB reflects that he is not registered tax payer hence is not a valid member of the said JCSTSI consequently is not eligible voter hence, the said nomination could not represent the JCSTSI the FPCCI's election and is liable to be rejected.

- 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 appellants 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 Appellants may kindly be included in the Final Voter List of the FPCCI as nominees of JCSTSI and the nominations of the Respondent No. 1 & 2 may kindly be excluded in the Final voter list.

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

**APPELLANT**

Through



**MALIK GHULAM SABIR**  
Advocate High Court