

# FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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Main Clifton, Block 5, Abdullah Shah Ghazi Road, Karachi  
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FPCCI.Election.2024-25/2023 -12252  
18<sup>th</sup> November 2023

Through E-mail, Website

## URGENT & IMPORTANT

MR. IMTIAZ AHMED  
Proprietor  
M/s. Aalishan Furniture  
P-875 Makhdoom Colony, Block No. 15,  
Sargodha  
M: 03006002078  
E: [alishan299@yahoo.com](mailto:alishan299@yahoo.com)

MR. SIKANDAR ALI  
Proprietor  
M/s. Hafiz General Store  
Block No. 2  
Sargodha  
M: 03016712881  
E: [sikndera0@gmail.com](mailto:sikndera0@gmail.com)

NOMINEES FROM SARGODHA CHAMBER OF SMALL TRADERS & SMALL INDUSTRY

--- APPELLANTS / RESPONDENTS

### **VERSUS**

MR. ASIF IQBAL SHEIKH  
Proprietor  
M/s. Madina Colour Company  
Muhammadi Bazar  
Sargodha  
M: 03009604370  
E: [sheikhasifpakistan1975@gmail.com](mailto:sheikhasifpakistan1975@gmail.com)

MR. AMJAD MEHMOOD  
Proprietor  
M/s. Alkhalid Trading Company  
First Floor, Rehman Centre  
Sargodha  
M: 03009607583  
E: [mahmood3b@yahoo.com](mailto:mahmood3b@yahoo.com)

NOMINEES FROM SARGODHA CHAMBER OF SMALL TRADERS & SMALL INDUSTRY

--- APPELLANTS / RESPONDENTS

## HEARING # 60 (106 – 274)

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

Please refer to the Appeal dated Nil received through Courier on 18<sup>th</sup> November 2023 in FPCCI Head Office Karachi from Mr. Imtiaz Ahmed and Mr. Sikandar Ali, Nominees / Representing Sargodha Chamber of Small Traders & Small Industry and another Appeal received through e-Mail on 17<sup>th</sup> November 2023 in FPCCI Head Office Karachi from Mr. Asif Iqbal Sheikh and Mr. Amjad Mehmood, Nominees / Representing Sargodha 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 6:00 p.m. to 7:00 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:

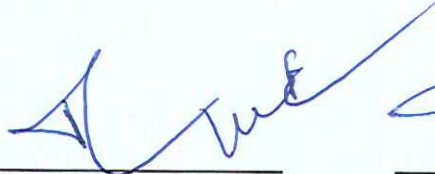
Zoom ID: 764 276 3799  
Password: fpcci1214  
Link: <https://us06web.zoom.us/j/7642763799>

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



106(274)

(12)

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

1. Imtiaz Ahmed, President SCSTSI, Proprietor M/s, Alishan Furniture, P-875, Makhdoom Colony, Block No.15, Sargodha nominee of Sargodha Small Traders and Small Industries.
2. Sikandar Ali, Proprietor M/s, Hafiz General Store, Block No. 2, Sargodha, Sargodha nominee of Sargodha Small Traders and Small Industries.

... .. APPELLANT



Versus



1. Mr. Asif Iqbal Sheikh as member EC & GB from Associate Class as representative of the Sargodha Chamber of Small Traders and Small Industries
2. Mr. Amjad Mehmood Sheikh member GB from Associate Class as representative of the Sargodha 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.

... .. 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 Sargodha Chamber of Small Traders and Small Industries ("SCSTSI") agitating that membership of Mr. Asif Iqbal Sheikh as member of the SCSTSI was also suspended by the learned DGTO vide its order in original 24/2023 dated 26-10-2023. therefore Mr. Asif Iqbal Sheikh is not being a valid member of the SCSTSI could not represent the SCSTSI in the FPCCI, hence the nomination of Mr. Asif Iqbal Sheikh is not valid, therefore Asif Iqbal Sheikh is not eligible to participate in the FPCCI's election and his nomination is liable to be rejected/ deleted.

The appellant further agitated that Mr. Amjad Mehmood Sheikh has been included in the provisional voter list as member GB from Associate Class as representative of the Sargodha Chamber of Small Traders and Small Industries ("SCSTSI). The said nomination was included in the provisional voter list illegally and arbitrarily because the in-fact the executive committee of SCTSI never approved / recommended the nomination of the above said person. It is further submitted that the nomination of the above said person was neither signed by the President nor by the Secretary General of the SCTSI, therefore the FPCCI included the name of the above said person in violation of Trade Organizations Rules, 2013.

- 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.

that membership of Mr. Asif Iqbal Sheikh as member of the SCSTSI was also suspended by the learned DGTO vide its order in original 24/2023 dated 26-10-2023. therefore Mr. Asif Iqbal Sheikh is not being a valid member of the SCSTSI could not represent the SCSTSI in the FPCCI, hence the nomination of Mr. Asif Iqbal Sheikh is not valid, therefore Asif Iqbal Sheikh is

not eligible to participate in the FPCCI's election and his nomination is liable to be rejected/ deleted.

The appellants further agitated that Mr. Amjad Mehmood Sheikh has been included in the provisional voter list as member GB from Associate Class as representative of the Sargodha Chamber of Small Traders and Small Industries ("SCSTSI). The said nomination was included in the provisional voter list illegally and arbitrarily because the in-fact the executive committee of SCTSI never approved / recommended the nomination of the above said person. It is further submitted that the nomination of the above said person was neither signed by the President nor by the Secretary General of the SCTSI, therefore the FPCCI included the name of the above said person in violation of Trade Organizations Rules, 2013.

- 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 Hon'ble 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 nominee of SCSTSI 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