

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.2024-25/2023-12198
18th November 2023

URGENT & IMPORTANT

Through E-mail, Website

MIRZA ISHTIAQ BAIG
Director PDL Denim (Pvt) Limited
Baig Tower, Plot # E-6, Block 7 & 8, Central
Commercial Area, Main Shahrah-e-Faisal, Karachi
T: 021-34150651-54
F: 021-34150650 M: 03008233380
E: info@thebaiggroup.com
NOMINEES PAK DENIM MANF. & EXPORTERS ASSOCIATION

----- APPELLANT

SH. OMER SARFRAZ
C.E.O M/s. Eagle International (Pvt.) Ltd.
46-A, Mall Godaam, Near Model Steel, Badami Bagh, Lahore
T: 042-37286866
M: 03008516666
E: gamarsteel1@gmail.com
NOMINEE FROM PAKISTAN STEEL LINEPIPE INDUSTRY ASSOCIATION

----- RESPONDENT

HEARING # 7 (016 – 049)

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. Mirza Ishtiaq Baig, representing Pakistan Denim Manufacturers & Exporters Association 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:

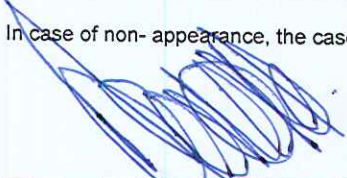
Day & Date: **Monday, 20th November 2023**
Time: **Between 10:00 a.m. to 11:00 a.m.**
Venue: **Basement 2, FPCCI Head Office Karachi**


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

16(49)

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

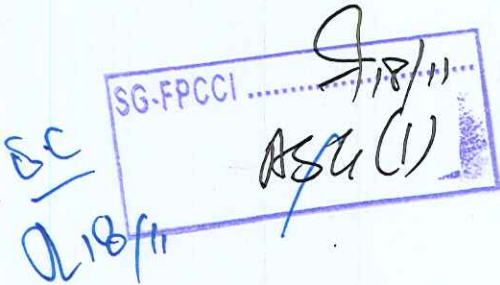
Mirza Istiaq Baig Director PDL Denim (Pvt) Ltd , Baig Tower, Plot #E-6, Block 7 & 8, Central Commercial Area, Main Shahrah-e- Faisal, Karachi, nominee of Pakistan Denim Manufacturers & Exporters Association for EC and GB of FPCCI.

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APPELLANT



Versus



1. Omer Sarfraz C.E.O M/s Eagle International (Pvt) Ltd. 46-A, Mall Godaam, Near Model Steel, Badami Bagh, Lahore. nominee of Pakistan Steel Linepipe Industry Association.
2. 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 Respondent No.1 filed the objection before the Secretary General of the FPCCI against the Appellant alleging that the aforesaid nominee is not associated with the Denim Manufacturers business by any means and just for the sake of manipulating the electoral process. The aforesaid nominee has not shown his relevance to the business on whose behalf the nomination has been sent. Moreover, for the sake of argument even if the aforesaid nominee is associated with the Denim Business, his status at the company on whose behalf

the nomination has been sent i.e. PDL Denim (Pvt) Limited, has not been provided at nomination papers with any substantial documents. The aforesaid nominee hence, being in violation of prerequisites of the Trade Organization Rules, 2013. Moreover, he is in violation of Rule 11 and Rule 15 of the Trade Organization Rules, 2013. Moreover, the nominee has also not provided any proof of requisite annual turnover as necessary in accordance with rules. It is pertinent to mention here that the aforesaid nominee has neither provided any proof that the nominee is involved in Denim Manufacturers and Exporter business which is mandatory in accordance with Rule 2(c), Rule 7 of the Trade Organization Act, 2013 and Section 2 (i) of the Trade Organization Act, 2013. In addition to the aforesaid the nominee has also not provided his status at business entity on whose behalf the nomination has been sent. The member has also not completed 02 years in accordance with Rule 15 (1) (a) as well as Rule 15 (1) (b) of the Trade Organization Rules, 2013.

- 3). That the counsel for the Appellant appeared and during the hearing submitted the Memorandum and Articles of Association of PDL Denim (Pvt) Limited, Memorandum and Articles of Association of Denim Manufacture and Exporter Association Form 29 showing that the Appellant is a director of the company along with the order dated 20-12-2021 passed by the Honourable Islamabad High Court in Writ Petition No. 4513/2021, titled as Iftikhar Ghani Vohra vs DGTO.
- 4). 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.

As per Memorandum and Articles of Association of PDL Denim (Pvt) Limited, Memorandum the business concern is fulfills the criteria of being a

member of the Denim Manufacture and Exporter Association and Form 29 proves that the Appellant is a director of the business concern.

Copies of the Memorandum and Articles of Association of PDL Denim (Pvt) Limited, Memorandum and Articles of Association of Denim Manufacture and Exporter Association Form 29 and Honourable Islamabad High Court order dated 20-12-2021 passed by the in Writ Petition No. 4513/2021, attached along with the instant Appeal.

- 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, mala fide, 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 judicially reviewed by this Learned Authority.

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- 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 name of the Appellant 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

Through



MALIK GHULAM SABIR
Advocate High Court