



Government of Pakistan
Directorate General of Trade Organizations
(Office of Regulator of Trade Organizations)
Ministry of Commerce,
State Life Building No. 7, 2nd Floor, Blue Area,



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F. No. 6(39)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 25/2023

Passed by Mr. Umar Dad Afridi, Regulator of Trade Organizations

Muhammad Arif nominee of All Pakistan Marble Industries Association

Versus

Election Commission of Federation of Pakistan Chamber of Commerce and Industry
(FPCCI)

Present in the hearing.

1. **Malik Ghulam Sabir**, Advocate (on behalf of appellant)
2. **Muhammad Arif**
3. **Malik Sohail**

.....Appellant/Complainant

1. **Ms. Mahreen Razzak** (on behalf of Secretary General FPCCI)
2. **Mr. Arshad Khurshid**
(Member Election Commission of FPCCI)
3. **Mr. Anjum Rasheed Bawa**
(Member Election Commission of FPCCI)
4. **Mr. Ali Nawaz Kharral**, Advocate (on behalf of Respondents)

.....Respondents

Date of Hearing: 30-11-2023

Place of Hearing: OFFICE OF REGULATOR OF TRADE ORGANIZATIONS,
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS,
STATE LIFE BUILDING NO.7, 2ND FLOOR, BLUE AREA,
ISLAMABAD.

Date of issuance of Order: 06-12-2023

UMAR DAD AFRIDI
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad

By this order the undersigned intends to dispose of an appeal filed by Muhammad Arif nominee of All Pakistan Marble Industries Association against decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI) regarding exclusion of his nominee. The case was fixed for hearing on 30-11-2023 which was attended by both sides.

2. The background of the case is that the Election Commission FPCCI excluded name of Muhammad Arif nominee of All Pakistan Marble Industries Association (APMIA) on the basis that the nominee is not doing any business with regard to Marble as he is a manufacturers of tools etc.

3. The counsel of the appellant stated that the appellant is a bonafidev member of APMIA and that his name was initially sent to the Secretary General FPCCI as a nominee duly approved by the Executive Committee of APMIA. The applicant submitted tax returns and FBR profile showing his relevance of business in the Marble sector.

4. The Election Commission, FPCCI vide order dated 23-11-2023, upheld the decision of the Secretary General, FPCCI dated 15-11-2023 regarding excluding the name of the applicant from the provisional voters list. Furthermore, the EC.FPCCI declined the appeal filed by the Mr. Asghar Khan Utman-khel, Chairman of APMIA on behalf of the applicant.

5. The Counsel for the Respondent has submitted that the applicant cannot avail the remedy of Rule 18(6) of TORs, 2013, hence, complaint is liable to be dismissed. Furthermore, applicant failed to prove his business concern in the Marble Industry. The complainant also failed to prove FBR return in the Corporate Class.

FINDINGS:-

Memorandum and Articles of Association of M/s United Diamond Tools Private Limited in Article 1 clearly mentioned that the appellant is doing business of tools use in Marble and granite business. Mining of Marble with traditional and non-scientific methods destroy this



valuable stone. Mining with latest tools and tips add a lot of value to the Marble products through which Pakistan earns more foreign exchange. These tools and tips have no other use except the use in Marble Industry for block cutting. He fulfills the condition of Rule 3(2)(d)(iii) of Trade Organizations Rules, 2013 and Section 3(2)(d) of Trade Organizations Act, 2013 by having direct relevance with Marble Industry. The appellant has remained Sr. Vice Chairman of this association and he is founding member of the Association. He has made huge investment by importing high tech machinery from Italy to produce tools and tips for Marble Mining and production of Marble

based products which used to be imported. Expulsion from the Association of such a valued member amounts to discouraging investment in Pakistan.

ORDERS:-

Arguments heard, record perused and relevant provisions of law examined in light of the observation recorded in the finding part of this order herein above, the following orders are passed:

- i) The instant appeal is allowed and the decision of the Election Commission, FPCCI is set-aside. The Election Commission of FPCCI is directed to include the name of Mr. Muhammad Arif, nominee of the APMIA in the final voters list of FPCCI.
- ii) The matter stands disposed of accordingly.



(Umar Dad Afridi)
Regulator (TO)

Announced Dated:06-12-2023.

UMAR DAD AFRIDI
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad