



**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,



F. No. 6(38)/2023-TO

Islamabad, the 6th December, 2023

ORDER IN ORIGINAL NO 26/2023

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

Ms. Saima Rizwan WCCI Hazara Division

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. **Ms. Saima Rizwan**
3. **Malik Sohail**

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)

.....Appellant/Complainant

.....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 appeals filed by Ms. Saima Rizwan Women Chamber of Commerce and Industry Hazara Division against decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI) regarding inclusion of nominees of Women Chamber of Commerce and Industry Hazara Division (WCCI HD). 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 included names of nominees of Women Chamber of Commerce and Industry Hazara Division and dismissed the appeal on the basis that the appellant is not a member of GB & EC of any trade organization.

3. The Counsel for the appellant has argued that the license of Women Chamber of Commerce and Industry Hazara Division is expired, therefore, according to Article 3 of the Memorandum and Article of Association of FPCCI read with Section 10 of Trade Organizations Act, 2013, the WCCI HD is not eligible to be enrolled as member of the FPCCI for the year 2024-25. Furthermore, the nominees of WCCI HD do not qualify the membership criteria as per Rule 11 of Trade Organizations Rules, 2013.

4. The Counsel for the appellant further submitted that the elections for the year 2022-23 of WCCI HD was declared null and void by the Regulator TOs and till date the Chamber does not have a valid Executive Committee. Therefore, in the absence of the Executive Committee members, the nomination forwarded by the Secretary General is illegal and unlawful. Therefore, it is prayed to exclude the names of the nominees of the WCCI HD from the provisional voters list of FPCCI.

5. The Counsel for the Respondent has maintained that Ms. Saima Rizwan is not a nominee of the any Trade Organizations and her name is not showing in the provision voters list of the FPCCI, the objection can only be submitted by those whose name is showing in the provisional voters list. Therefore, as per Rule 18(4) of Trade Organizations Rules, 2013, she has no locus standi to file objection and the appeal is not maintainable. The Counsel has further submitted that the renewal of license of the WCCI HD is under process with the office of the DGTO.

FINDINGS:-

- i. The elections of the WCCI HD was declared null and void vide DGTO order dated 02-02-2023 and till date there is no valid members of the Executive Committee who can forward the nominees of WCCI HD to the FPCCI.
- ii. The WCCI HD is not compliant Trade Organization and the functions of the Chamber are not running in accordance with the provision of the Trade Organizations Act, 2013 and Trade Organizations Rules, 2013.

- iii. The license is also expired and the Chamber has failed to fulfill the requirements of the renewal of license as per the Rule 10 of Trade Organizations Rules, 2013. Therefore the nominations of the WCCI HD are liable to be set-aside.

ORDERS:-

Arguments heard, record perused and relevant provisions of law examined in light of the above the following orders are passed:

- i) The instant appeal is allowed and the decision of Election Commission FPCCI is set-aside.
- ii) The Secretary General is directed to exclude both the nominees of the WCCI HD from the voters list of FPCCI election 2024-25.
- iii) 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