



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,

Most Immediate
Email / Courier



F. No. 6(79)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 33/2023

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

Mr. Waqar Zafar Bakhtawari nominee of Chakwal Chamber of Commerce and Industry

Versus

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

Present in the hearing.

1. **Sh. Khurram Abbas Advocate** (on behalf of appellant)
2. **Malik Ghulam Sabir, Advocate** (on behalf of appellant)
3. **Mr. Waqar Zafar Bakhtawri**

.....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 Mr. Waqar Zafar Bakhtawari nominee of Chakwal Chamber of Commerce and Industry (Chakwal CCI) against decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI) regarding exclusion of his nominee of Chakwal CCI. 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 Mr. Waqar Zafar Bakhtawari nominee of Chakwal CCI on the basis that M/s D-Watson Pharmacy and Cash & Carry appears to be a branch office of the firm opened in Chakwal and not the main business.

3. The Counsel for the appellant has argued that Mr. Waqar Zafar Bakhtawari is a bonafide member of Chakwal CCI and is the currently elected President of the same Chamber. That the appellant and two other partners entered into a partnership deed dated May 28th, 2014 in the name and style of "D-Watson Chemists". This Deed was duly amended through an Addendum to the partnership Deed on 12-04-2022. This legally executed Addendum secured on Stamp Papers, is substantiated by Clause No. 1 wherein the partners consented to alter the firm's name. The clause is reproduced as follows:-

"That the partners, by mutual agreement, have resolved to modify the name and style of the partnership businesses, allowing for changes and the establishment of branches and sub offices across Pakistan. The modified businesses names and styles are detailed as follows:-

"D-Watson Pharmacy & Superstore" at Plot No. 48-49, Chaklala Scheme III, Rawalpindi

"D-Watson Pharmacy & Cash & Carry" at Basement & Ground Floor, Lal Hussain Plaza, near Sabzi Mandi, Talagang Road, Chakwal"

4. The Counsel for the appellant further stated that concurrently these alterations were also updated in the Chakwal CCI's record, resulting in the obtaining of a renewed membership Certificate under the name of "D-Watson Pharmacy & Cash & Carry". The appellant firm runs a Pharmacy and a cash & carry superstore at the given address in Chakwal. The same is being assessed for Income Tax by RTO Rawalpindi, as is evident from the Tax Profile and the Tax Returns. Therefore, the appellant has fulfill the criteria of membership with Chakwal CCI as per Rule 3(2)(b) of Trade Organizations Rules, 2013.

5. The counsel for the appellant further explained that D-Watson Pharmacy and Cash & Carry, hence, is a separate entity and may not be treated as a branch of any other company.



Therefore, it is prayed that the appeal may be accepted and the decision of the Election Commission may be set-aside.

4. The Counsel for the Respondent has submitted that Mr. Waqar Zafar Bakhawari M/s D-Watson Pharmacy and Cash & Carry nominee of Chakwal Chamber of Commerce and Industry has not fulfilled the criteria of membership with the Chakwal CCI on the grounds that M/s D-Watson Pharmacy and Cash & Carry appears to be a branch office of the firm opened in Chakwal and not the main business.

FINDINGS:-

- i. As per Rule 3(2)(b) ,11 and 15 of ToRs 2013, the appellant satisfies the criteria of membership in the Chakwal CCI, and is eligible to be nominated to FPCCI election 2024-25.
- ii. The FBR documents submitted by the appellant shows that M/s D-Watson Pharmacy and Cash & Carry is located at Basement & Ground Floor, Lal Hussain Plaza, near Sabzi Mandi, Talang Road, Chakwal, is assessed by RTO Rawalpindi and fulfills the criteria of membership of Chakwal CCI as per Rule 3(2)(b), 11 and 15 of ToRs, 2013. M/s D-Watson Pharmacy and Cash & Carry as per given documents is not a branch office and is a separate business entity. Therefore, the appeal is liable to be accepted.

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 FPCCI is directed to include the name of Mr. Waqar Zafar Bakhawari M/s D-Watson Pharmacy and Cash & Carry nominee of Chakwal Chamber of Commerce and Industry in the voters list of FPCCI for the year 2024-25.
- iii) The matter stands disposed of accordingly.

Announced Dated: 06-12-2023.

Umar Dad Afridi
Regulator (TO)

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