



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(42)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 39/2023

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

Ms. Mumtaz Akhtar nominee of Islamabad Women Chamber of Commerce and Industry

Versus

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

Present in the hearing.

- | | |
|---|----------------------------|
| 1. Ms. Mumtaz Akhtar | |
| 2. Malik Ghulam Sabir , Advocate (on behalf of appellant) |Appellant/Complainant |
| 3. Malik Sohail | |
| 1. Ms. Mahreen Razzak (on behalf of Secretary General FPCCI) |Respondents |
| 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) | |

Date of Hearing: 01-12-2023

Place of Hearing: OFFICE OF REGULATOR OF TRADE ORGANIZATIONS,
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS,


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

STATE LIFE BUILDING NO.7, 2ND FLOOR, BLUE AREA,
ISLAMABAD.

Date of issuance of Order: 06-12-2023

By this order the undersigned intends to dispose of an appeal filed by Ms. Mumtaz Akhtar nominee of Islamabad Women Chamber of Commerce and Industry 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. The case was fixed for hearing on 01-12-2023 which was attended by both sides.

3. The Counsel for the appellant has argued that the license of Women Chamber of Commerce and Industry Hazara Division has 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 WCCIHD are not qualifying the membership criteria of membership as per Rule 11 of Trade Organizations Rules, 2013. As per Islamabad High Court Islamabad judgment passed in Writ Petition No. 4172/2019 titled Aftab Ahmed Barlas VS DGTO and others.

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

5. The Counsel for the Respondent has maintained that Mumtaz Akhtar has not filed objections before the Secretary General and Election Commission as per Rule 18 of TORs, 2013, therefore, the instant appeal is not maintainable at this stage. The Counsel has further submitted that the renewal of license of the WCCIHD is under process with the office of the DGTO.

6. **FINDINGS:-**


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

- i. The WCCIHD is a non compliant TO which has violated the provisions of ToA, 2013 and TORs, 2013. The Regulator TOs on 02-02-2023 has passed speaking order No, 02/2023 against WCCIHD by declaring their election results of the year 2022-23 as null and void having no legal status under Section 14(3(f)(iii) of ToA, 2013. Since 02-02-2023 WCCIHD has no Executive Committee as provided in Rule 21(5) of ToRs, 2013, non has any office bearers as Rule 21(11) of ToRs, 2013. WCCIHD has violated Rule 22 of TORs, 2013 by failing to provide (a) annual financial statement (b) plan of activity (c) list of member as on 30th of November.
- ii. The license of WCCIHD also expired since February 2020.

ORDERS: -

Arguments heard, record perused and relevant provisions of law examined in light of observation recorded in para 6 under the heading Findings, 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 the nominees of the WCCIHD from the provisional voters list for the year 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