



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
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F. No. 6(48)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 43/2023

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

Malik Muhammad Khalid nominee of Lahore Chamber of Commerce and Industry

Versus

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

Present in the hearing.

1. Mr. Ali Nawaz Kharral, Advocate (on behalf of appellant)
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. Malik Ghulam Sabir, Advocate (on behalf of Respondent)
5. Malik Sohail


.....Appellant/Complainant

.....Respondents

Date of Hearing: 01-12-2023

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 Malik Muhammad Khalid, M/s Gojjar Electrical Company, nominee of Lahore Chamber of Commerce and Industry against the decision of Election Commission of Federation of Pakistan Chamber of Commerce and Industry (FPCCI) dated 23-11-2023 for inclusion of the name of Mr. Atif Ikram of M/s Hafeez Iqbal Oil & Ghee Industries (Pvt) Ltd, nominee of Islamabad Chamber of Commerce and Industry (ICCI) in the provisional voters list of FPCCI for elections of the year 2024-25. The matter was fixed for hearing on 01-12-2023 and was attended by the relevant parties.


2. The counsel of the appellant has submitted that the nomination of the respondent is in violation of Section 3 of the Trade organizations Act, 2013, Rule 3, 11 and Rule 15 of the Trade Organizations Rules, 2013. The perusal of Tax payer profile of M/s Hafeez Iqbal Oil & Ghee Mills (Reg No. 0819498) reveals that the company is assessed for the purpose of Income Tax in Abbottabad. The Mill and factory area located and functioning in Abbottabad. Therefore, he is not qualified or entitled to become a member of ICCI. Chambers of Commerce and Industries are formed to represent the Trade Industry and Services in a District. The Ghee Mill in the instant case is located, functioning and having business interest in District of Abbottabad and not Islamabad. Furthermore, the counsel submitted that as per the decision by Islamabad High Court in the case of Attock Women Chamber whereby nominee of Hina Mansab's exclusion was upheld since the nominee/member of Attock Women Chamber was unable to demonstrate sufficient business interest in Attock District. The mere mentioning of "Head Office" at Islamabad in the company documents is not a reason, qualification or eligibility under the To Act, 2013 and TO Rules 2013 for the grant and renewal of membership.

3. The counsel of the respondent has submitted that the Hafeez Iqbal Ghee & Oil Industries (Pvt) Ltd was incorporated on 26-10-1999 and since from incorporation have its Head/ Registered Office at Plot No. 191, 192, in sector I-9, Industrial Area, Islamabad. That the registered office of the company shall be deemed to be the principal place of business where the major decisions by the board of directors are taken.

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4. The counsel for the respondent also submitted that the registered office of the Company is also known as the legal home of the Company because registered office by law is considered as the centre of corporate affairs and corporate domicile is place where a company's principal affairs of business are maintained. A company is considered as domiciled where it is incorporated and have its principal place of business. The counsel of the Respondent referred the section 3(2)(b) of TOA, Act, 2013 and Rules 3 (2) (b), 11(1) (b) TOA Rules, read with Article 5-A of the MOA's of the ICCI and submitted that the Hafeez Iqbal Oil and Ghee Industries Ltd neither only having its registered office at Islamabad is a corporate entity situated in Islamabad but also have its substantial business interest in Islamabad and further that the Hafeez Iqbal Oil and Ghee Industries Ltd is also permanently domiciled in the Islamabad Capital Territory. The counsel also submitted the documents which are Incorporation certificate, Form -A of the company, digital certified company address issued by SECP Form XXI, bank certificates along with bank statements, copies of agreements with Ministry of Defence, Government of Pakistan and Utility Stores Corporation of Pakistan and pay order issued by the Pakistan Military Accounts in the name of Hafeez Iqbal Oil and Ghee Industries, Plot No. 191, 192 Sector I-9, Industrial Area, Islamabad and MoA of ICCI showing that the respondent is eligible member of the ICCI therefore is also eligible to be nominated as representative of the ICCI to participate in the FPCCI's election.

5. The counsel of the respondent also submitted the judgment in Hina Mansab's case is not applicable in the instant case and also differentiated by arguing that the registered office of the business concern of Hina Mansab (Laila Private Limited) as per Form-A of SECP was at Islamabad therefore Hina Mansab's was not eligible to be a member of Attock Women Chamber of Commerce and Industry but in the instant case the business concern namely Hafeez Iqbal Oil and Ghee Industries has its registered office at Islamabad, therefore the Hina Mansab's case (Order-in- Original No. 140/2020 dated 24-12-2020) which was subsequently upheld by The Honourable Islamabad High Court Islamabad.


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FINDINGS: -

- i. As per Rule 15 of the ToRs, 2013 those members who fulfils the criteria of Section 10 of ToA, 2013 and Rule 11 of the ToRs, 2013 are allowed to participate in the FPCCI's elections. Mr. Atif Ikram nominee of ICCI satisfies the criteria of being a member of the Islamabad CCI and is also eligible to be represent the FPCCI as nominee of the Islamabad CCI. The Election Commission of the FPCCI has considered and deliberated upon all the points and has passed a reasonable order. The appellant failed to provide any material or evidence that would indicate that the respondent could not be nominated for EC and GB seats of FPCCI elections 2024-2025. Therefore, the instant appeal is liable to be dismissed
- ii. Mr. Atif Ikram, representing M/s Hafeez Iqbal Oil and Ghee Industries Pvt Ltd is also a resident/domiciled of Islamabad as per Form A of SECP. He has remained a bonafide member of Islamabad CCI since long, and has also been elected president of the same chamber.

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 dismissed and the decision of the Election Commission of the FPCCI is up-held.
- ii) The Secretary General of FPCCI is directed to include the name of Mr. Atif Ikram of M/S Hafeez Iqbal Oil and Ghee Industries Ltd in the Final voter list of FPCCI for the year 2024-25.
- iii) The matter stands disposed of accordingly.



(Umar Dad Afridi)
Regulator (TOs)

Announced Dated: 06-12-2023.

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