



**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(70)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 59/2023

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

Syed Ali Hamad Kazmi nominee of Live Stock Exporter Association of Pakistan
Versus

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

Present in the hearing.

1. **Malik Ghulam Sabir**, (on behalf of appellant)
2. **Malik Sohail**
3. **Syed Ali Hamad Kazmi**

.....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 Respondent)

.....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 Syed Ali Hamad Kazmi nominee of Live Stock Exporter Association of Pakistan against decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI) regarding inclusion of nominees of Attock Chamber of Commerce and Industry. 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, decision No. 16, dated 23-11-2023, included the nominees, Mirza Abdul Rehman and Mr. Ehtesham Zaman, from Attock Chamber of Commerce & Industry (ACCI), upheld the decision of the Secretary General, FPCCI, 15-11-2023.

3. The counsel of the appellant has submitted that the nominations of the Respondents are not valid and Election Commission of the FPCCI have not considered the documents submitted by the appellants and committed a material illegality while dismissing the appeal. The Appellants submitted that the ACCI nominated Mr. Ehtisham Zaman Khan (Corporate) as EC & GB as CEO of M/s Benison Marketing Pvt Limited. ACCI has no valid license, therefore, the forwarded nominees cannot represent a Trade Body which has no valid license in the FPCCI's election.


4. The counsel for the Appellant further submitted that the ACCI also nominated Mirza Abdul Rehman as CEO, M/s Syntex Pharmaceutical. The said representative fraudulently provided his personal NTN 0913298-8 instead of providing the NTN of the business concern which is 2539378 and has deliberately concealed this fact. The business concern namely Syntex Pharmaceutical does not exist as the said firm has changed its status from Association of person to a Private Limited Company, which is also auctioned in the execution proceedings pending before the Learned Banking Court, Rawalpindi, therefore, the business concern is fake and a fabricated business concern has been shown and forwarded to the FPCCI by the so-called Secretary General of ACCI (Syntex Pharmaceutical) which is not even a member of the ACCI. The counsel for the Appellant also submitted the Board Resolution dated 15-11-2011 passed by the M/s Syntex Pharmaceuticals regarding change of its status from AOP to a Private Limited Company as well as the order sheet and objection filed by Mirza Abdul Rehman before the Banking Court Rawalpindi against the auction of the Company.

5. The Counsel for the Appellant also further submitted that ACCI has failed to hold its annual election for the last four years. The entire conduct of the ACCI's Executive Committee is suspect, as many members of the Executive Committee have expressed their ignorance regarding the conduct of any such election. They have also expressed lack of knowledge regarding any information being given to them with respect to conduct of election of the Executive Committee and the ACCI also failed to file obtain Corporate compliance certificate from SECP and has also violated the Rule 22 by not submitting the annual financial statements as prepared by auditors and approved by the executive committee, Plan of activities for the next year as provided in rule 23 and as of and hard copy of list of its members as on the 30th November, 2022 in the format as set out in Annex-I of Schedule 'B' which are compulsory to be submitted on 31 December of every year, therefore the decision of the Election Commission of FPCCI is against the law and facts of the case and is liable to be set-aside.

6. The counsel of the respondent has submitted that the Respondent Chamber has forwarded valid names of the Respondents after approval from the executive committee. Therefore, the Respondents are bonafide member of the ACCI, and eligible to represent the ACCI in the FPCCI's Election for the year 2024-25.

FINDINGS:-

- i. That the Respondent Chamber have not complied with the requirement of Rule 22 and the respondent namely Mirza Abdul Rehaman has failed to refute the document produced by the Counsel for the Appellant. The ACCI have not submitted the Corporate Compliance Certificate of the SECP. The ACCI is running its affair in violation of the Trade Organizations Rules, 2013.
- ii. The license of ACCI is also expired , and the renewal requirements are being completed as per ToA 2013 and ToRs 2013.
- iii. In accordance with Article 15 of the M&AoA of the FPCCI read with Rule 11 and 15 of the Trade Organizations Rules, 2013, nominees of ACCI are not eligible to represent the chamber in the FPCCI election 2024-2025. Therefore, the instant appeal is liable to be accepted.


UMAR DAD AFRIDI
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ORDERS: -

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

- i) The instant Appeal is allowed and the decision of the Election Commission of the FPCCI is hereby, set aside.
- ii) The Secretary General of FPCCI is directed to exclude the names of the nominees of Attock Chamber of Commerce & Industry namely, Mr. Ehtisham Zaman and Mirza Abdul Rehman, from the voter list of FPCCI election 2024-2025.
- 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