



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,

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F. No. 6(50)/2023-TO

Islamabad, the December 6th, 2023

ORDER IN ORIGINAL NO 70/2023

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

Mr. Zahir Shah nominee of Mardan Chamber of Commerce and Industry (MCCI)

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)

.....Appellant/Complainant

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. Malik Ghullam Sabir Advocate (on behalf of respondent)

5. Mr. Javed Iqbal Ch

6. Ghullam Murtaza

Date of Hearing: 1-12-2023

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 Mr Zahir Shah, nominee of Mardan Chamber of Commerce and Industry (MCCI) against the decision of Election Commission of Federation of Pakistan Chamber of Commerce and Industry (FPCCI) for the elections year 2024-25 regarding inclusion of nominees of Mirpur CCI for Executive Committee and General Body of FPCCI. The case was fixed for hearing on 1-12-2023 which was attended by both sides.

2. The background of the case is the Election Commission of FPCCI vide order dated 23-11-2023 included the nominees of the Mirpur Chamber of Commerce & Industry in the Provisional Voter List of FPCCI, and the appeal was dismissed as not maintainable on the grounds that a license has been issued to the Mirpur Chamber of Commerce & Industry by the Regulator (DG Trade Organizations) and being renewed from time to time.

3. The counsel of the appellant submitted that Mirpur is not a District within the territory of Pakistan and as such is part of Azad Jammu and Kashmir, which forms a separate and independent territory. Grant of license to the subject Chamber is a violation of Section 3(2)(b) of Trade Organizations Act, 2013. The appellant has requested for exclusion the nominees from the final voters list by setting aside the orders of the Secretary General and Election Commission of FPCCI.

4. The Counsel for the respondents argued that license was granted to MCCI under section 3(2)(b) of ToA 2013 by DGTO/ Ministry of commerce government of Pakistan. Therefore, the Chamber shall be considered valid and voting right should be given to the Chamber in the FPCCI elections 2024-25.

FINDINGS:-

Mirpur Chamber of Commerce and Industry was granted license under Trade Organizations Act, 2013 (License No. 187). The renewal of license is under process in DGTO/MoC

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As per Clause 2(ii) of the Memorandum of FPCCI, the FPCCI office would be established in AJK in addition to other provisional Headquarters. Similarly, as per Clause 2(iii) of M&AoA the branch office of FPCCI shall also be established in AJK.

FPCCI under Clause 3(i), FPCCI is also bound to stimulate the development of trade and commerce in the sectors of Pakistan and AJK.

The nominee of Mirpur CCI has even remained President of FPCCI. Similarly, Ch. Javed Iqbal from Mirpur CCI has even remained Vice President FPCCI in 2018.

ORDER:-

Arguments heard, documentary record perused and relevant provision of law examined. In the light of above findings observation, the following orders are passed:-

- i. The appeal is declined and the decisions of the Secretary General and Election Commission of FPCCI regarding inclusion the nominees of Mirpur Chamber of Commerce and Industry in the provisional voter list are up-held.



(Umar Dad Afridi)
Regulator (TO)

Announced Dated:06-12-2023.

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