



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(90)/2023-TO

Islamabad, the 6th December, 2023

ORDER IN ORIGINAL NO. /2023

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

Mr. Najam ur Rehman and Others
11 (appeals)

Versus

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

Present in the hearing.

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|--|----------------------------|
| 1. Mr. Rizwan Shabbir Kiyani, Advocate (on behalf of Appellants) |Appellant/Complainant |
| 2. Mr. Murad Iqbal | |
| 3. Mr. Hashim Raza | |
| 4. Ms. Nayab Habib, Advocate | |
| 1. Mr. Shahzad Shaukat, Advocate (on behalf of Respondents) |Respondents |
| 2. Mr. Saad ShoaibWyne, Advocate | |
| 3. Mr. Bilal Khan, | |
| 4. Mr. Fawaz Khan | |

Date of Hearing: 05-12-2023

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 (11) appeals filed by Mr. Najum ur Rehman and others against the decision of Election Commission of Federation of Pakistan Chambers of Commerce and Industry regarding inclusion of nominees of Pakistan Paper Merchants Association (APPMA) in the provisional voters list of FPCCI for the elections year 2024-25. The case was fixed for hearing on 05-12-2023 which was attended by relevant parties.

2. The Background of the case is that an appeal was filed before the Election Commission of Federation of Pakistan Chambers of Commerce and Industry (FPCCI) against the decision of Secretary General FPCCI, regarding suspension of right to vote for All Pakistan Paper Merchants Association in the upcoming elections of FPCCI for the year 2024-25 on various grounds. The Appeal was declared not maintainable by Secretary General FPCCI on the basis that the appellant was not a nominee of any Trade Body for the FPCCI elections 2024-25. This decision of the Secretary General FPCCI was upheld by the Election Commission of FPCCI, vide decision No. 18, dated 23-11-2023.

3. The Counsel for the Appellant has argued that as per Rule 21(13), 21(14) and 21(15) of ToRs 2013, the executive committee only has tenure of 02 years as representatives of a Trade Organization. In the instant case, due to various reasons, elections of All Pakistan Paper Merchant Association could not be conducted in 2019 and 2020. After retirement of remaining 50 %, Executive Committee, presently there is no representative body to nominate the nominees legally to participate in any activity/elections without approval of the Executive Committee as per provisions of relevant law. As the status of APPMA is dysfunctional with reference to DGTO's order dated 1st July, 2021 and the same order was not challenged by the APPMA at any appellate fora, therefore, Secretary General FPCCI may be directed to exclude the nominees of the APPMA from the voters list, till the pendency of valid status of the TO under law.

4. The counsel of the Respondents submitted that all the orders of the Regulator (TOs) were suspended by the Honorable Lahore High Court, Lahore, till the final outcome / next hearing in the respective petitions. Furthermore, the counsel submitted that the order of the Honorable Lahore High Court, Lahore regarding stay on elections of the APPMA for the year 2019 is still in field. APPMA is operating its functions as



company, therefore, there no bar in law, to restrain the nominees elected by the Executive Committee, from voting in the FPCCI elections 2024-25.

FINDINGS

DGTO Office vide order No. 6/2021, dated 15-04-2021 on finding out irregularities in the affairs of APPMA, suspended the license of APPMA till such time that all legal pending issues before the Regulator, the High Courts of Pakistan, and any other appellate forum are concluded. DGTO also ordered under Section 16(b)(c) of Trade Organizations Act, 2013, a Committee shall be formed to conduct investigation into the affairs of the APPMA to recommend the case to Federal Government for appointment of an Administrator, if required. The Association, having no representative character shall not enjoy any privilege nor perform any obligations / functions under the Trade Organizations Act, 2013 and Rules made thereunder until the Regulator is satisfied that the Association can function according the Trade Organizations Act, 2013 and Trade Organizations Rules, 2013. The suspension order of the Regulator is still subjudice. However, the Executive Committee has completely retired as per Rule 21(13), 21(14) and 21(15) of ToRs 2013.

2. APPMA has appealed against the said order of the DGTO Office before the Federal Government and in the Honorable Lahore High Court, Lahore. The Honorable Lahore High Court, Lahore in Writ Petition No.28227/2021 dated 30-04-2021 title Khamis Saeed Vs Federation of Pakistan etc. has suspended the Order No.6/2021 dated 15-04-2021 of the Regulator (TO) till the next date of hearing in C.M No.02/2021.

3. The matter of APPMA is also subjudice before the Federal Government and in the Honorable Lahore High Court, Lahore in Misc. Writ Petitions. 28227/2021 Khamis Seed Vs FoP, W.P No.71608/2019 Hamid Seed Vs FoP, W.P No.69050/2020 Hamid Saeed Vs FoP, W.P No.66012/2019 Khamis Seed Vs FoP, W.P No.79145/2021 Muhammad Bashir Vs FoP, W.P NO. 21615/2021 Malik Ahad Amin Vs FoP and 75750/2019 Khalid Pervaiz Vs FoP.

5. As per available record of the office, APPMA has subjudice status at different fora of appeals, therefore, till the pendency of litigation status with reference to DGTO's letter dated 01-07-2021, this office shall not initiate / sanction any activity of the Association



until such time as its legal proceedings at appellate fora are concluded and dismissed to avoid any adverse remarks of esteemed High Courts and Federal Government. The above letter of the DGTO Office is in field and has not been challenged by the APPMA at any appellate fora.

6. In view of the above position, this office can not decide the matter as multiple WPs are pending including Stay Orders in Honorable Lahore High court.

ORDER: -

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

i. Since, there are multiple WPs pending in Honorable Lahore High Court including stay orders. This office can not decide the matter.

ii. 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