

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2024-25/2023/12-727
19th December 2023

Through E-mail, Website

MR. HAMID WAHEED
Director
M/s. HM Extraction Ghee and Oil Industries (Pvt)
Ltd.
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----- OBJECTOR

MR. MUHAMMAD ALI
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PROVISIONAL CANDIDATE FOR THE POST OF PRESIDENT FPCCI

----- OBJECTOR

MR. ATIF IKRAM
Managing Director
Hafeez Iqbal Oil & Ghee Industries (Pvt) Ltd.
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PROVISIONAL CANDIDATE FOR THE POST OF PRESIDENT FPCCI

----- RESPONDENT

DECISION # P-004

PASSED BY THE ELECTION COMMISSION (FPCCI ELECTIONS 2024-2025)

Under the provision of rule 18(12) of the Trade Organization Rule 2013, the Election Commission of FPCCI entertained the objection raised in the application, in order to dispose of the objection filed by the objectors Mr. Hamid Waheed and Mr. Muhammad Ali, against the inclusion of the name of Mr. Atif Ikram in the provisional list of Candidates for President FPCCI in the Election of FPCCI 2024-2025.

The hearing of this case was conducted in the office of Election Commission of FPCCI on 18th December 2023.

The objector has challenged the nomination of Mr. Atif Ikram on the following grounds:

- The Respondent cannot be nominee for the President as he does not qualify the eligibility criteria set in the TO Act as well as Rules.
- The Respondent was elected from the province of KPK in the year 2018-2019 representing the business concern namely Hafeez Iqbal Oil and Ghee Limited, whereas his nomination has now been sent from the same business concern but this time from Islamabad Chamber. As such the same is not warranted under the law.
- That shifting of candidate is gross violation of principle of rotation in the Rule 20(7) of TO Rules


Anwar Khurshid
Member
Election Commission
FPCCI 2024-2025


Anfaq Ahmad Tunio
Member
Election Commission
FPCCI 2024-2025


Anjum Rasheed Bawa
Member
Election Commission
FPCCI 2024-2025

- iv. The RTO for assessment of Income Tax is Abbottabad, and the mill/factory of Respondent is situated in district Abbottabad and not Islamabad.
- v. He relied upon the judgments as reported in PLD 2021 ISB 204, 2020 CLD 131 and Gulzar Feroz vs DGTO etc.

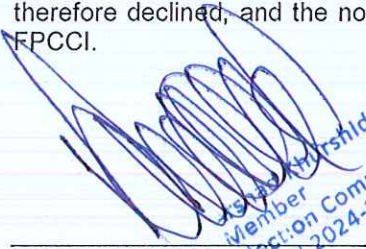
On the other hand, the learned Counsel for the Respondent has pointed out that the Respondent Company's head office is situated in Islamabad and he is a valid member of the said chamber. Objections regarding eligibility as voter have already been settled till the stage of Final Voter List and cannot be re-agitated at this stage. As regards shifting of chamber, he stated that there was no bar in any of the rules.


Decision of the Election Commission:

We have carefully gone through the contentions of both the Objector and the Appellant and the record available in file, which confirms that Mr. Atif Ikram was a nominee on behalf of KPK in 2018-19 for the post of Vice President, and his business concern is still a member of the Haripur Chamber as well as Islamabad Chamber.

We have also considered the DGTO's Order-in-Original No. 44/2017 dated 22.12.2017 in the case of Mr Ghazanfar Bilour against Haji Ghulam Ali and others, wherein it was held that the same person appearing as candidate from regions whose turn for presidential slot is due is not in line with the spirit of Rule 20(7) read with Schedule "D" of TORs, 2013. On the other hand, the respondent have cited the Peshawar High Court's order dated 27.12.2017 in WP No. 5253-P/2027 against the DGTO's order, which though being an interim order gives the following significant observations as *obiter dicta* "It is by now settled law that the candidates contesting election cannot be disqualified on absurd and vague grounds. Since neither the Act nor the Rules in its explicit terms bar a candidate from contesting election from a particular region on the reason that he has earlier contested the election from another region." Although the case was later dismissed as infructuous (the appellant not having succeeded in the election), the observations have weight. The TOA and TOR, 2013 have been visited to check if there is any such restriction on a candidate with respect to Rule 20(7) read with Schedule "D", but no such restriction was found. Therefore, it would not be proper to introduce an extra condition in the rules, which are not explicitly mentioned therein.

For the reasons given above, the Election Commission has no reason to reject the nomination of Mr. Atif Ikram merely on the basis that he previously contested election from a different Chamber/region. The objections is therefore declined, and the nomination of Mr. Atif Ikram remains valid for the list of candidates for President FPCCI.


ARSHAD KHURSHID
Member of the Election Commission


ASHFAQ AHMED TUNIO
Member of the Election Commission


ANJUM RASHEED BAWA
Member of the Election Commission

Copy to: Regulator, Trade Organizations, Islamabad
Secretary General FPCCI