

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

Federation House, Tariq Sayeed Complex,
Main Clifton, Block 5, Abdullah Shah Ghazi Road, Karachi
T. 021-35873691-94, E. info@fpcci.org.pk, Website. www.fpcci.org.pk

FPCCI.Election.2024-25/2023-12662
16th December 2023

Through E-mail, Website

URGENT & IMPORTANT

MR. MUHAMMAD YASIN MEMON
Managing Partner
M/s. Suzuki Nawabshah Motors
Main Sakrand road Muhammadi Town,
Nawabshah,
Shaheed Banzirabad
T: 0244-4382145
M: 03330308001
E: yasinm.pk@gmail.com
PROVISIONAL CANDIDATE FOR THE POST OF VP SINH

OBJECTOR / RESPONDENT

ABDUL MOHAMIN KHAN
Director
M/s. A. Khan Oil Mills
Ahmed Nagar, Mando Dero, National Highway,
Rohri District,
Sukkur
T: 071-5662222
M: 03218292220
R: 03001709993
E: mohamin.khan@softkodes.com;
sukkurchamber@gmail.com
PROVISIONAL CANDIDATE FOR THE POST OF VP SINH

OBJECTOR / RESPONDENT

HEARING # S-VP-018 HEARING CALLED BY THE ELECTION COMMISSION OF FPCCI (FPCCI ELECTIONS 2024-2025)

Please refer to the objections, received on 16th December 2023 in FPCCI Head Office Karachi from Mr. Muhammad Yasin Memon and Mr. Abdul Mohmin Khan, objecting on each other to the Election Commission of FPCCI.

The Election Commission of FPCCI is pleased to grant the objector and the respondent(s) a **hearing opportunity in person** or through their **authorized representative** (with letter of authorization from the Appellant(s) / Respondent(s)) before the Election Commission of FPCCI alongwith all original / relevant documents, as per following schedule:

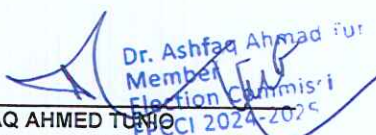
Day & Date: **Monday, 18th December 2023**
Time: **Between 10:30 a.m. to 3:00 p.m.**
Venue: **Basement 2, FPCCI Head Office Karachi**


FPCCI has arranged special Zoom link facility for the outstation Objector(s) / Respondent(s). Those who are unable to attend physically may avail the hearing via Zoom Link, by the following link:

Zoom ID: 764 276 3799
Password: fpcci1214
Link: <https://us06web.zoom.us/j/7642763799>

Punctuality of time is requested. Also you are requested to be precise and brief.
In case of non- appearance, the case shall be decided ex-parte.


ARSHAD KHURSHID
Member of the Election Commission


Dr. Ashfaq Ahmad for
Member
Election Commission
FPCCI 2024-2025
ASHFAQ AHMED TUNJO
Member of the Election Commission


ANJUM RASHEED BAWA
Member of the Election Commission
FPCCI 2024-2025

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

S-VP-018

Khan Group of Industries (Pvt.) Ltd. Ph: 071-5650364-65

A. KHAN OIL MILLS

AHMED NAGAR,
Mandodero Taluka Rohri.
Distt: Sukkur.



Election
Commission

Date



Ref No. _____

To,

The Election Commission of Federation of Pakistan Chamber of Commerce and Industry,
Federation House, Tariq Sayeed Complex,
Main Clifton, Karachi,
Pakistan.

Subject:- Objection Under Rule 18(12) of the Trade Organizations Rules, 2013 for rejecting the nomination of MUHAMMAD YASIN MEMON, representing SHAHEED BANZIRABAD CHAMBER OF COMMERCE & INDUSTRY, Managing Partner, M/s. Suzuki Nawabshah Motors candidate for the post of Vice President of FCCI for the year 2024-2025 included in the provisional list of candidates issued by the Election Commission of the FCCI.

Respectfully Cheweth,

1. That through the instant application the applicant raising objection regarding inclusion of MUHAMMAD YASIN MEMON, representing SHAHEED BANZIRABAD CHAMBER OF COMMERCE & INDUSTRY, Managing Partner, M/s. Suzuki Nawabshah Motors candidate for the post of Vice President of FCCI for the year 2024-2025.
2. The 2013 Rules have been framed by the Federal Government in exercise of the powers conferred by Section 31 of the 2013 Act. Rule 18 of the said Rules sets out the procedure for the elections of the trade organizations. Rule 18(3) of the said Rules provides that the Secretary General of a Trade Organization shall display, within seven days of the announcement of the election schedule, the provisional list of all members eligible to vote along with their National Tax Number, Sales Tax Registration Number, if applicable, the name and the National Identity Card number of their representatives.
3. Rule 18(4) of the 2013 Rules provides that members who have objections to the entries in the list of voters shall send their objections in writing to the Secretary General, F.P.C.C.I. within a period of seven days of the issuance of the voters list.
4. Rule 18(5) of the said Rules provides that the Secretary General, F.P.C.C.I. shall, within five days from the receipt of objections intimate action on the objections or changes, if any. Rule 18(6) of the said Rules provides that any person aggrieved by the decision of the Secretary General may, within three days of the receipt of the decision, make a representation to the

Election Commission which shall decide the representation within three days.

5. Rule 18(7) of the said Rules provides a remedy of an appeal to a person aggrieved by the decision of the Election Commission to the Regulator of the Trade Organizations.
6. Rule 18(8) of the said Rules provides that the Secretary General of a Trade Organization shall display and submit copies to the Regulator, within two days of the decision of the Regulator, the final voter list of all members eligible to vote. Rule 18(9) of the said Rules provides that within in four days of the display of the final list of voters, **any person who is eligible to contest elections for the vacant post, shall send his nominations, duly proposed and seconded by a duly registered voter** and signed by the candidate, to the secretary General.
7. Rule 18(11) of the said Rules provides that the Election Commission shall scrutinized the nomination papers and within twenty-four hours of the last date of receipt of nomination papers display the list of candidates.
8. That by co-joint reading of the Rules provides that the Election Commission of the FPCCI not either in the first phase ("as per Rule 18 (4) to 18 (7) of the Trade Organizations Rules, 2013 ') but also in the second phase ("as per Rule 18 (12) of the Trade Organizations Rules, 2013) can disenfranchise any nominee or member body which is does not fulfil the criteria of Rule 15 read with Rule 11 of the Rules and Section10 of the Trade Organizations Act, 2013.
9. Rule 11(1) of the 2013 Rules provides that any business concern shall be eligible for the grant or renewal of membership of any trade organization if such a business concern meets the following conditions: -
 - (a) **the prospective member is a sole proprietorship or a partnership firm or an association of persons or a company holding national tax number and sales tax registration, if applicable, in name of the business concern;**
 - (b) the prospective member's business fits within the defined business scope or area of jurisdiction of the trade organization as provided in the said trade organization's approved memorandum and articles of association and under the licence granted by the Federal Government;
 - (c) the application for grant of membership has been proposed and seconded by existing members of the said trade organization;
 - (d) the prospective member has no criminal conviction; and
 - (e) **the prospective member has a valid national tax number and sales tax registration, if applicable."**

10. That the nomination of the MUHAMMAD YASIN MEMON, representing SHAHEED BANZIRABAD CHAMBER OF COMMERCE & INDUSTRY, Managing Partner, M/s. Suzuki Nawabshah Motors candidate for the post of Vice President of FPCCI for the year 2024-2025, which is available at Serial No. 88 of the Final voter list issued by the FPCCI. The NTN of the appearing as 4409210-5, Enclosed please find the copy of Taxpayer Profile mentioned that Mr. Muhammad Yasin Memon does not have Activated Sales Tax on the profile and his business mentioned in Nawabshah Territory whereas Tax Office shown is RTO-II Karachi.

Prayer

In view of the above it is most respectfully prayed that the by accepting the instant objection petition the nomination papers MUHAMMAD YASIN MEMON, representing SHAHEED BANZIRABAD CHAMBER OF COMMERCE & INDUSTRY, Managing Partner, M/s. Suzuki Nawabshah Motors candidate for the post of Vice President of FPCCI for the year 2024-2025.

It is further prayed that the name of MUHAMMAD YASIN MEMON, representing SHAHEED BANZIRABAD CHAMBER OF COMMERCE & INDUSTRY, Managing Partner, M/s. Suzuki Nawabshah Motors candidate for the post of Vice President of FPCCI for the year 2024-2025, may kindly be excluded from the final voter list in the interest of justice.

Applicant



Abdul Mohamin Khan
Candidate for Vice President of the
FPCCI, EC & GB,
Sukkur Chamber of Commerce &
Industry.

Dated. 16-12-2023

Taxpayer Profile Inquiry

Printed On: 12/16/2023 3:59:43 AM

Registration No 4220103187571
Reference No 4409210-5
Registered for Sales Tax No
Name MOHAMMAD YASIN
Category Pakistani Male
PP/REG/INC No.
Email yas****.pk***ail.com
Cell 00923**253**55
Address Near Muhammadi Town, Sakrand Road, Nawabshah, Nawab Shah Nawab Shah
Registered On 16-JUN-2015
Tax Office RTO-II KARACHI
Registration Status Income Tax: Active

Sr.	Business/ Branch Name	Business/ Branch Address	Principal Activity
1	SUZUKI NAWABSHAH MOTORS	Near Muhammadi Town, Sakrand Road, Nawabshah, Nawab Shah Nawab Shah	451000-Wholesale and retail trade; repair of motor vehicles and motorcycles/Sale of motor vehicles/Sale of motor vehicles

SG-FPCCI
16/12
Election Commission

BEFORE THE ELECTION COMMISSION FEDERATION OF PAKISTAN
CHAMBERS OF COMMERCE AND INDUSTRY, KARACHI

Yaseen Memon

versus

Abdul Mohamin Khan



**OBJECTIONS UNDER RULE 18(12) OF THE TRADE ORGANIZATION
RULES, 2013**

Respectfully Sheweth,

1. That the instant objections are being filed under Rule 18(12) of the Trade Organization Rules, 2013 whereby the undersigned have raised considerable objections on the nomination of Mr. Abdul Mohamin Khan, nominee for the election of Vice President for the year 2024-2025. The nomination of Mr. Abdul Mohamin Khan is contrary to the criterion provided by the Trade Organization Rules, 2013 as well as Trade Organization Act, 2013.

2. That the nomination of the aforesaid nominee is against the eligibility criteria as set in the Trade Organization Rules as well as Trade Organization, Act 2013 on the grounds inter alia as follow:

A. That Mr. Mohamin Khan has sent his representation from M/s. A Khan Oil Mills however, as per the NTN provided by the aforesaid nominee and as published in the voter list i.e. 0684922-9, the aforesaid NTN shows that the name of business as Khan Ginners (Pvt) Limited rather than A. Khan Oil Mills. However, A Khan Oil Mills is registered as a nosiness branch of the said business concern. That do not classifies M/s A. Khan Oil Mills as s proper business concern covered within the meaning of Trade Organization Rules, 2013. Moreover, as per NTN provided the A Khan Oil Mills is not a private limited company. In that instance as well, if it is a sole proprietorship, the A Khan Oil Mills has no entry in the private NTN Profile of Mr. Abdul Mohamin Khan. Hence, it can easily be inferred that Mr. Abdul Mohamin Khan has misfed the information in order to manipulate the electoral process therefore, his nominations are liable to be dismissed and nominations may please be rejected.

B. That the judgments pronounced by the Hon'ble Court, more particularly reported as **PLD 2021 ISB 204, 2020 CLD 121 and Gulzar Feroz VS DGTO**; have held that the requirements qua eligibility of membership, eligibility to vote and other conditions required by the Trade Organizations Act, 2013 and the Trade Organizations Rules, 2013 are to be mandatorily and compulsorily met, even a nomination of a purported member which is in negation of, violation of or contrary to the provisions of the Trade Organizations Act and Rules, such nominations are to be rejected forthwith.

PRAYER:

In light of the facts and circumstances as mentioned above it is therefore respectfully prayed from the Hon'ble Election Commission of the FPCCI that the nomination of Mr. Abdul Mohamin Khan may please be set aside and excluded as the same stands in contrary to the Trade Organization Act and Rules 2013 by way of misleading information.

Dated: 15/12/23

Objector

M. Yaseen