FROM THE OFFICE OF
THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2027-28/2026 -5278
Wednesday, 25th November 2026

Through E-mail, Website, WhatsApp

DECISION NO. ECD-A000 (000) 214
PASSED BY THE FPCCI ELECTION COMMISSION

SYED MINHAJ UD DIN SHAH
PROPRIETOR
M/S PAK BUSINESS INTERNATIONAL
Office No. 501, Pak Medical Center, Khyber Bazar,
PESHAWAR
M: 03335963138
E: pbiei@yahoo.com

HANAN KHAN
PROPRIETOR
M/S GEMS CITY
ROOM NO. 6, AL-MAMOOR GEMS CHAMBER, ZAMAN BLOCK, NAMAK MANDI
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SUBJECT: DECISION OF THE ELECTION COMMISSION ON APPEAL FILED BY SYED MINHAJ UDDIN SHAH EC/GB (CORPORATE) AND MR. HANAN KHAN GB (CORPORATE) NOMINEES OF ALL PAKISTAN COMMERCIAL EXPORTERS ASSOCIATION OF ROUGH AND UN-POLISHED PRECIOUS AND SEMI-PRECIOUS STONE AGAINST THE DECISION OF FPCCI SECRETARY GENERAL ON THE OBJECTION OF MR. MUSLIM MOHAMDEI

This is with reference to your appeal No. Nil received in FPCCI on 25th November 2026 on the above subject.

Decision of the Election Commission

The Election Commission of FPCCI examined the appeal filed by Syed Minhaj Uddin Shah EC/GB (Corporate) and Mr. Hanan Khan GB (Corporate) Nominees of All Pakistan Commercial Exporters Association Of Rough and Un-Polished Precious and Semi-Precious Stone and found supportive reasons in the appeal and direct Secretary General to include the nominees of All Pakistan Commercial Exporters Association Of Rough and Un-Polished Precious and Semi-Precious Stone in the Final Voters List of FPCCI Election 2027-28.

MASOOD NAQI
Member of the Election Commission

JAVED IQBAL MIRZA
Member of the Election Commission

BILAL PERWAIZ
Member of the Election Commission

Copy to: Directorate General of Trade Organizations, Islamabad
Secretary General FPCCI

FPCC&I
DATE 25/11/26
R. NO. 010
KARACHI

P. M
2:00.

Dated: 25th November, 2026

SG-FPCCI 25/11
EC of FPCCI

To,
The Election Commission,
Federation of Pakistan Chambers of Commerce & Industry,
Federation House, Main Clifton, Karachi.

Copy to: The Regulator of Trade Organizations, Directorate General of Trade Organizations, Islamabad, with reference to the directive F. No. 17(31)/2026 dated 16.11.2026; and the Secretary General, FPCCI, Karachi.

REPRESENTATION (APPEAL) UNDER RULE 18(6) OF THE TRADE ORGANIZATIONS RULES, 2013 AGAINST DECISION NO. 008 (034) DATED 24.11.2026 OF THE SECRETARY GENERAL, FPCCI, REJECTING THE NOMINATIONS OF THE APPELLANTS, SYED MINHAJ UD DIN SHAH (SERIAL NO. 10, EC & GB CORPORATE) AND HANAN KHAN (SERIAL NO. 11, GB CORPORATE), NOMINEES OF THE ALL PAKISTAN COMMERCIAL EXPORTERS ASSOCIATION OF ROUGH & UN-POLISHED PRECIOUS & SEMI PRECIOUS STONES, PESHAWAR (LICENCE NO. 34), IN THE ADDITIONAL LIST OF NOMINATIONS DATED 23.11.2026, ON THE OBJECTION OF MR. MUSLIM MOHAMEDI

1. That the appellant No. 1, Syed Minhaj ud Din Shah, Proprietor of M/s Pak Business International, Flat No. 3, near Green Hotel, Cantt., Peshawar (NTN 0833110-3), and the appellant No. 2, Hanan Khan, Proprietor of M/s Gems City, Room No. 6, Al-Mamoor Gems Chamber, Zaman Block, Namak Mandi, Peshawar (NTN 4013924-7), are the representatives nominated by the All Pakistan Commercial Exporters Association of Rough & Un-Polished Precious & Semi Precious Stones, Peshawar (Licence No. 34) ("the Association") on the Federation, the appellant No. 1 on the Executive Committee and General Body and the appellant No. 2 on the General Body, both in the corporate class. They stood at **Serial Nos. 246 and 247** of the Provisional List of Voters for the election year 2027-2028 issued on 21.10.2026, with their business interest recorded as "Export / Import", and were entered, on the directive of the Regulator of Trade Organizations vide F. No. 17(31)/2026 dated 16.11.2026, at **Serial Nos. 10 and 11** of the Additional List of Nominations dated 23.11.2026. By the decision impugned herein both nominations have been rejected. The appellants are persons aggrieved within the meaning of Rule 18(6) of the Trade Organizations Rules, 2013 ("the Rules").

2. That on 24.11.2026, the day after the Additional List was issued, Mr. Muslim Mohamedi, the nominee of the Pakistan Fisheries Exporters Association ("the objector"), objected that the Association's licence has not been renewed; that the business of neither appellant falls within the trade for which the Association is licensed; that the turnover of the appellant No. 2's concern is below fifty million rupees; and that the appellant No. 1, whom he described as the Association's nominee "from the Associate Class", has filed a return showing zero turnover. Not one document was annexed in support of any of these allegations.

3. That by **Decision No. 008 (034) dated 24.11.2026**, passed on the very day the objection was received, the Secretary General recorded that both nominations "were Included under the directives of DGTO, vide Order F.No. 17(31)/2026 dated 16th November 2026", that the "FBR Tax Certificate pertains to the year / period 2019", that tax returns for 2024-25 and 2025-26 were "not provided", that "Various essential and necessary documents are

missing" and that the "Business activities does not relate to Rough and Unpolished Precious and Semi-Precious Stones as per NTN Certificate". He rejected the nomination of the appellant No. 1 because, "as per FBR Business activities does not relate to the Association", and that of the appellant No. 2 because the "tax return filing provided for the period 2019-20", and added that "As per FPCCI record, the renewal of License is in process in the Office of Directorate General Trade Organization."

4. That no copy of the objection was given to either appellant or to the Association, no notice was issued, no reply was called for, no document was asked for and no hearing was held. The objection was received and decided within the same day, although Rule 18(5) of the Rules gave the Secretary General five days. The appellants learnt of the objection from the decision itself, sent to them as "Respondents" by email and WhatsApp.

5. That this representation is made under Rule 18(6) read with Rule 17(c) of the Rules within three days of receipt of the decision. Under Rule 17(c) the Election Commission is itself charged with the "examination of and decision on the objections received on the voters' list", and is requested to examine the objection afresh.

GROUNDS OF APPEAL

i. That the impugned decision undoes a directive of the Regulator. The Secretary General himself records that both nominations were included "under the directives of DGTO, vide Order F.No. 17(31)/2026 dated 16th November 2026". Under Section 14(1) of the Trade Organizations Act, 2013 ("the Act") the affairs of a registered trade organisation "shall be managed and conducted in such manner as the Regulator may, from time to time, direct"; under Section 14(3)(g) the Regulator gives directions to persons and trade organisations; and under Section 14(3)(e) he is the "final forum of appeals" in "matters relating to electoral process before the conduct of election". The directive bound the Federation and each of its officers, which is why the appellants were entered in the Additional List of 23.11.2026. An objection under Rule 18(4) lies against entries made by the Federation; it is not a means of reviewing what the Regulator has directed, and the Secretary General is not a forum of review over the Regulator. If the objector had any grievance against the directive, his remedy lay before the Regulator, or before the Federal Government under Section 21(2) of the Act, and not in an objection to the Secretary General. A decision that reverses within hours an inclusion made on the Regulator's direction is without jurisdiction, and Section 25 of the Act makes any person who contravenes a direction given under it liable to penalty.

ii. That the objection as to the Association's licence stands answered by the Secretary General's own record that the renewal "is in process in the Office of Directorate General Trade Organization", and he did not reject the nominations on that ground. Under Section 6 of the Act the application for renewal is made to and decided by the Regulator, and it was the Regulator, with that application before him, who directed that the Association's nominations be included. Neither the objector nor the Federation can treat as lapsed a licence whose renewal is pending before the Regulator, in the face of the Regulator's own direction.

iii. That the decision was passed behind the appellants' backs, on the day the objection was received. Section 24A of the General Clauses Act, 1897 requires a power conferred by or under an enactment to be exercised "reasonably, fairly, justly and for the advancement of the purposes of the enactment", with reasons; Article 10A of the Constitution, read with Article 4, guarantees a fair trial and due process in the determination of civil rights; and the rule that no one shall be condemned unheard is read into Rule 18(5). The Hon'ble Islamabad High Court has held that the exclusion of a member from voting, a consequence

"bearing upon the right of a member to participate in the affairs of the Chamber", "can be sustained only upon a complete and lawful determination of eligibility, made after notice and a reasonable opportunity of hearing to each affected member", and that "an order affecting the rights of a person must be a speaking order disclosing application of mind, and that no person ought to be condemned unheard" (Ch. Muhammad Faraz v. The Regulator, W.P. No. 4914 of 2026, order dated 01.10.2026). The Regulator, deciding the appeals of this very election on 23.11.2026, issued notices to the nominees and examined the record they produced before deciding. The appellants were not even told of the objection.

iv. That findings (b), (c) and (d), that the tax certificate on the Federation's file pertains to 2019, that returns for 2024-25 and 2025-26 were "not provided" and that "Various essential and necessary documents are missing", record only what happened to be on the Federation's file. Nothing was asked of the appellants, and no one can be faulted for not producing what he was never asked to produce. The decision does not say which documents were missing, of which appellant, under what provision they were required, or why their absence called for rejection rather than a call for them. It is not a speaking order within Section 24A(2) of the General Clauses Act. The appellants' returns and record will be placed before the Election Commission at the hearing.

v. That the rejection of the appellant No. 1's nomination because, "as per FBR", his business activity does not relate to the Association is misconceived. Rule 11(1)(b) of the Rules asks whether the 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". That is a question of the business actually carried on, which the Association examined when it admitted and renewed the membership of M/s Pak Business International and nominated him, and which the Federation's own Provisional List records as "Export / Import", the very trade of an association of exporters; the appellant No. 2 carries on business from the Al-Mamoor Gems Chamber in Namak Mandi, Peshawar. The description of activity in an NTN certificate is the description given when the registration was obtained; it is neither the test laid down by Rule 11(1)(b) nor a finding about the business a person carries on. The decision does not even say what FBR record was seen or what it said. Where a member's registration with the FBR was disputed on online print-outs, the Hon'ble Islamabad High Court set aside the Regulator's order and held that he "ought to have sought the assistance of a senior official from the F.B.R." (Dr. Sajjad Arshad v. Director General Trade Organizations, order dated 23.12.2021).

vi. That the rejection of the appellant No. 2's nomination because the "tax return filing provided for the period 2019-20" is no finding at all. It records which return was on the Federation's file, not that later returns were not filed. Whether a person has filed his returns is a matter of the FBR's public record, the Active Taxpayers' List, which can be checked in minutes and which the Hon'ble Islamabad High Court has itself consulted in deciding such a question (Khamas Saeed v. DGTO, W.P. No. 4934 of 2018). The Secretary General neither checked it nor asked the appellant No. 2.

vii. That the objector's remaining allegations, that the appellant No. 2's turnover is below fifty million rupees and that the appellant No. 1's return shows "zero turnover", were not accepted by the Secretary General, who recorded no finding on them, and they are bare assertions without a single supporting document. The objector even described the appellant No. 1 as a nominee "from the Associate Class", when both lists show him in the corporate class, which shows that the objection was filed without reference to the entries objected to. In the case of a nominee to this very Federation, the Hon'ble Islamabad High

Court held that a valid membership certificate on record raises a presumption that the nominee's status is valid "unless it is proved to be otherwise by an objector", and that a "bare statement" that turnover is below fifty million rupees, with no document on record, does not displace it, and upheld the Regulator's direction to include the nominee (Muhammad Asif v. Director General Trade Organizations, W.P. No. 3842 of 2020, order dated 16.12.2020). The Election Commission has applied the same standard in this election: "mere allegations regarding the eligibility, business association or shareholding of a nominee, without supporting documentary evidence, cannot constitute sufficient grounds for setting aside a nomination duly submitted by a Trade Organization" (Decision No. ECD-018 dated 07.11.2026), and "the mere allegation of nil turnover, without establishing its relevance to a specific statutory eligibility condition and without producing supporting documentary evidence, cannot by itself constitute sufficient grounds for depriving a nominee of the right to vote or participate in the electoral process" (Decision No. ECD-024 dated 07.11.2026). Like cases must be decided alike.

viii. That the appellants crave leave to urge additional grounds and to place further documents and submissions on record at the hearing of this representation, and request that they be heard in person before it is decided. The vakalatnama of the appellants' counsel and the relevant documents will be submitted at the time of hearing.

PRAYER

I. That Decision No. 008 (034) dated 24.11.2026 of the Secretary General be set aside and the objection of Mr. Muslim Mohamedi dated 24.11.2026 be dismissed.

II. That the nominations of the appellants be restored and their names retained at Serial Nos. 10 and 11 of the Additional List of Nominations dated 23.11.2026 as the nominees of the Association, the appellant No. 1 on the Executive Committee and General Body and the appellant No. 2 on the General Body, both in the corporate class, and carried into the final list of voters in compliance with the Regulator's directive dated 16.11.2026.

III. In the alternative, that before any order adverse to them the appellants be given a copy of the objection and an opportunity to produce their record, and that any doubt as to their tax record be resolved from the FBR's own record.

IV. That, pending decision, the appellants' names be not excluded from the final list of voters, and that any other appropriate relief be granted. The appellants reserve their right of appeal to the Regulator under Rule 18(7) of the Rules.

(SYED MINHAJ UD DIN SHAH)
Proprietor, M/s Pak Business International, Peshawar
Nominee (EC & GB, Corporate) of the Association
Serial No. 10, Additional List of Nominations dated 23.11.2026
CNIC No. 37405-0608172-9
APPELLANT NO. 1

THROUGH COUNSEL

(HANAN KHAN)
Proprietor, M/s Gems City, Peshawar
Nominee (GB, Corporate) of the Association
Serial No. 11, Additional List of Nominations dated 23.11.2026
CNIC No. 17301-4146466-5
APPELLANT NO. 2

THROUGH
COUNSEL