FROM THE OFFICE OF
THE ELECTION COMMISSION – FPCCI

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FPCCI.Election.2027-28/2026_5280
Wednesday, 25th November 2026
Through E-mail, Website, WhatsApp

DECISION NO. ECD-011 /011 (186)
PASSED BY THE FPCCI ELECTION COMMISSION

Mr.DUR MUHAMMAD
CEO
MOHEEN CONSTRUCTION CO.
MOHEEN ESTATE NEAR AL SHIFA
HOSPITAL, AIRPORT ROAD,GWADAR
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Mr.UMER REHAN
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SUBJECT: DECISION OF THE ELECTION COMMISSION ON APPEAL FILED BY BARRISTER YOUSUF MAKDA, ADVOCATE/ APPELANT ON BEHALF OF MR. DUR MUHAMMAD CHIEF EXECUTIVE, M/S. MOHEEN CONSTRUCTION CO, MOHEEN ESTATE AGAINST THE DECISION OF FPCCI SECRETARY GENERAL

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

Objection:

Objection has been raised regarding the classification of nominations non-renewal of the License of the Association, business activities of the nominees does not relate to the association and nominees' ineligibility and less than 50 million turnover.

Findings:

a. The nomination of Mr. Dur Muhammad Moheen Construction Co. was included on the directive of DGTO vide Order No. 95/2026, F. No.6(58)/2026 dated 29th November 2026.
b. Mr. Dur Muhammad CEO, Moheen Construction Co. does not fall in the territorial Jurisdiction of Gwadar CCI.
c. Mr. Abdul Basit Nomination is found in order

Decision by the FPCCI Election Commission:

Keeping in view the above findings, and scrutiny of the appeal it is found that the appeal does not supportive to include the nominees, hence, the order of the Secretary General FPCCI is upheld.

MASOOD NAQI	**JAVED IQBAL MIRZA**	**BILAL PERWAIZ**
Member of the Election Commission	Member of the Election Commission	Member of the Election Commission

MASOOD NAQI Member Election Commission FPCCI 2027-2028
JAVED IQBAL MIRZA Member Election Commission FPCCI 2027-2028
BILAL PERWAIZ Member Election Commission FPCCI 2027-2028

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

SG-FPCCI 25/11
EC of FPCCI

FPCC&I
DATE: 25/11/26
R. NO: 009
KARACHI

BEFORE THE ELECTION COMMISSION,
FEDERATION OF PAKISTAN CHAMBERS OF COMMERCE & INDUSTRY (FPCCI), KARACHI
(FPCCI Elections 2027–28)

Appeal No. _____ of 2026

1. **Mr. Dur Muhammad** s/o _____, Chief Executive, M/s Moheen Construction Co., Moheen Estate, near Al-Shifa Hospital, Airport Road, Gwadar (CNIC 52101-0535801-3; NTN 2784148-7), nominee of Gwadar Chamber of Commerce & Industry on the FPCCI General Body (Corporate Class), Sr. No. 19 of the Additional List of Nominations dated 23.11.2026.
2. **Gwadar Chamber of Commerce & Industry (GCCI)**, a chamber licensed under the Trade Organizations Act, 2013 (Licence No. 186), GCCI, Civic Center, Airport Road, Gwadar, through its Secretary General.

... Appellants

VERSUS

1. **Mr. Umer Rehan**, CEO, M/s Maria Edible Oil Industries (Pvt.) Ltd., Plot 2/2 & 2/7, Korangi Industrial Area, Karachi; nominee of Pakistan Vanaspati Manufacturers Association on the FPCCI Executive Committee and General Body (Corporate). (Objector)
2. **The Secretary General, FPCCI**, Federation House, Tariq Sayeed Complex, Main Clifton Block-5, Abdullah Shah Ghazi Road, Karachi-75600.

... Respondents

APPEAL UNDER RULE 18(6) OF THE TRADE ORGANIZATIONS RULES, 2013, MADE UNDER THE TRADE ORGANIZATIONS ACT, 2013, AGAINST DECISION NO. 011 (186) DATED 24 NOVEMBER 2026 (REF. FPCCI.EL2027-28/2026/[____]) OF THE SECRETARY GENERAL, FPCCI, EXCLUDING APPELLANT NO. 1 FROM THE ADDITIONAL LIST OF NOMINATIONS (VOTERS) DATED 23.11.2026

Respectfully Sheweth:

Preliminary Legal Objections

1. **The Appellants were condemned unheard.**
   The objection is dated and was received on 24.11.2026 (the window closed at 1:00 p.m.), and the impugned decision was passed the same day. No notice, no copy of the objection, no opportunity to file documents and no hearing was given to either Appellant, although the decision itself names Appellant No. 1 as a "Respondent". The right to be heard "is to be read in every statute being one of its integral part notwithstanding the fact whether

expressly such right has been conferred". An order passed in breach of natural justice is void and cannot be cured by later proceedings.

2. **The decision rests on a ground the objector never raised.**
The objection alleged that GCCI is "allegedly defunct", that the nominees' businesses were unproven and that Moheen Construction Co. was not shown to be a body corporate with a Rs. 50 million turnover. It said nothing about territorial jurisdiction. The Secretary General excluded Appellant No. 1 on a different ground altogether: that the "jurisdiction" of M/s Moheen Construction Co. "exists in Gulistan-e-Johar, Karachi". Where an allegation is not put to a party, "any adjudication on the said allegation would be against the right of due process and fair trial and therefore, in contravention to Articles 4 and 10A of the Constitution"; it is "beyond the competence" of an authority "to make out a case which [it] had never canvassed" and the affected party "had never been afforded the opportunity to meet".

3. **The objection was incompetent and should have been returned in limine.**
Rule 18(4) gives the right to object to "the members", and FPCCI's members are its member trade organizations; an individual on the General Body is only their nominee. Respondent No. 1 objected in his own name, on the letterhead of his private company, without any resolution or authority of Pakistan Vanaspati Manufacturers Association. A trade organization acts only through its Executive Committee (sections 2 and 5 of the Act). He is also an association nominee attacking a chamber, although the Rules keep chambers and associations in separate groups (Rule 20(2)(c)–(d)).

4. **The decision is a non-speaking order, contrary to section 24-A of the General Clauses Act, 1897.**
Section 24-A requires a statutory power to be exercised "reasonably, fairly, justly and for the advancement of the purposes of the enactment'. Orders that do not meet the test of section 24-A, "being non speaking", cannot stand.

Brief Facts

1. That Appellant No. 2 (GCCI) is a chamber of commerce and industry licensed under section 3 of the Trade Organizations Act, 2013 ("the Act"), Licence No. 186, and a member body of FPCCI. FPCCI's own record, as recorded in finding (e) of the impugned decision, shows that GCCI's licence is valid until 30 October 2029.

2. Appellant No. 1 is a member of GCCI and carries on construction business as Chief Executive of M/s Moheen Construction Co. from Moheen Estate, near Al-Shifa Hospital, Airport Road, Gwadar.

3. Under FPCCI's election schedule for 2027–28, nominations were due by 15.10.2026. GCCI, by its resolution, nominated Appellant No. 1 from the Corporate Class and Mr. Abdul Basit (R&R Fisheries) from the Associate Class, under Rule 20(2) of the Trade Organizations Rules, 2013 ("the Rules"). Its nomination letter Ref.

GCCI/FPCCI/Nominations/2026 dated 13.10.2026 was received by FPCCI on 14.10.2026, within time.

4. In complaints concerning GCCI's internal elections (F. No. 6(58)/2026-TO), the Regulator of Trade Organizations ("the Regulator") had, by notices dated 08.10.2026 and 19.10.2026, passed interim restraining orders, including a restraint addressed to FPCCI regarding GCCI's delegate nominations. For that reason alone, GCCI's nominees did not appear in FPCCI's Provisional List of Voters issued on 21.10.2026.

5. By Order No. 95/2026 dated 29.10.2026 (and the companion Order No. 96/2026 of the same date), passed after a hearing on 27.10.2026 and independent verification, the Regulator disposed of the complaints as withdrawn and directed that the interim orders, "including ... the restraining directive issued to the Federation of Pakistan Chambers of Commerce & Industry (FPCCI) regarding delegate nominations, STAND RECALLED AND VACATED WITH IMMEDIATE EFFECT". The order was endorsed to the President and Secretary General, FPCCI "for information and necessary compliance".

6. In compliance, FPCCI issued a Notification dated 30.10.2026 (No. FPCCI.Elections-2027-28/2026/___) stating that, "in pursuant to the directives of the Directorate General of Trade Organizations (DGTO), conveyed vide Order No. 95/2026", the names and nominations of GCCI were included in the Provisional List of Voters, including Appellant No. 1.

7. On 23.11.2026, FPCCI issued its Additional List of Nominations (No. FPCCI.Elections.2027.28/2026/[5223]), in which Appellant No. 1 appears at Sr. No. 19, GB (Corporate), "VIDE DGTO LETTER DATED 29TH OCT 2026". The schedule allowed objections until 1:00 p.m. on 24.11.2026, the Secretary General's decision the same day, and appeals to this Honourable Commission by 1:00 p.m. on 25.11.2026.

8. On 24.11.2026, Respondent No. 1 filed an objection on the letterhead of M/s Maria Edible Oil Industries (Pvt.) Ltd. alleging that GCCI is "allegedly defunct", that its licensing status should be verified, and that the nominees' businesses, class and turnover were not established. No document was annexed. Territorial jurisdiction was not raised.

9. On the same day, without notice or hearing, the Secretary General passed the impugned Decision No. 011 (186). He recorded that GCCI's nominees were included under the Regulator's Order No. 95/2026 and that GCCI's licence is valid until 30.10.2029. He rejected the objection against Mr. Abdul Basit, but "excluded/rejected" Appellant No. 1 on the sole ground that the "jurisdiction" of M/s Moheen Construction Co. "exists in Gulistan-e-Johar, Karachi".

10. Being aggrieved, the Appellants file this appeal on the following grounds, in addition to the preliminary objections above, each taken without prejudice to the others.

Grounds

A. **The inclusion flowed from the Regulator's order, and the Secretary General cannot undo it indirectly.**

That the Regulator supervises trade organizations under section 14 of the Act, and FPCCI and its Secretary General are bound by its directions. Excluding the same nominee on a fresh ground of the Secretary General's own making, without referring the matter to the Regulator, defeats that direction. "What cannot be done directly cannot be done indirectly".

B. **The "Karachi jurisdiction" finding is contrary to the record and to the Secretary General's own findings.**

Every document on the record places Appellant No. 1's business in Gwadar: the nomination letter, FPCCI's own Notification of 30.10.2026 and FPCCI's own Additional List of 23.11.2026 all give "Moheen Estate, near Al-Shifa Hospital, Airport Road, Gwadar". Finding (d) of the impugned decision records that his NTN is assessed at RTO Quetta, the tax office for Balochistan, and not at any Karachi RTO. That finding by itself refutes the conclusion that his business "exists in Gulistan-e-Johar, Karachi". A decision that contradicts its own findings is perverse and cannot stand.

C. **Membership of GCCI is GCCI's domain, not the Secretary General's.**

For FPCCI purposes, Rule 20(2)(b) requires only that a nominee be a member of the nominating trade organization. The impugned decision does not find that Appellant No. 1 is not a member of GCCI. Admission to membership under Rule 11(1) is decided by the trade organization, and the Regulator alone can direct, cancel or disqualify membership under Rules 11(2), 11(3) and 11(6). A chamber's territorial area is fixed by its licence under section 3 of the Act and Rule 7(2), which is again a matter for the Regulator. The Secretary General's power under Rule 18(5) is limited to intimating action on objections "to the entries in the list of voters". It does not extend to sitting in judgment on a constituent chamber's membership roll or redrawing its jurisdiction.

D. **There is no statutory disqualification; disqualifications are construed strictly.**

A voter may be excluded only where the law expressly so provides. In *Aftab Ahmed Barlas v. DGTO*, 2021 CLD 204, on which Respondent No. 1 relies, the exclusion was upheld because the member suffered an express statutory disability under the proviso to section 10(7) of the Act. Here no provision of the Act, the Rules or FPCCI's Articles is cited. Appellant No. 1 meets every condition of section 10 of the Act and Rules 11, 15 and 20(2).

E. **FPCCI cannot approbate and reprobate.**

The nomination was filed within time on 14.10.2026, scrutinised by FPCCI under Rule 18(3) and twice published by FPCCI itself, on 30.10.2026 and 23.11.2026, with the same Gwadar particulars. Eligibility is judged as on the date the nomination was filed (*Khamas Saeed v. DGTO*, 2020 CLD 121 (IHC)). No new material came to the record between 23.11.2026 and 24.11.2026 except an unsupported objection that did not raise this point. Having accepted the nomination on the record, FPCCI cannot reverse itself without

disclosed evidence and a hearing. Without prejudice if error any the act of an office shall prejudice no one.

F. **The exclusion is disproportionate and defeats the statutory scheme of representation.** Section 10(3) of the Act and Rule 20(2)(a) and (c) entitle every licensed chamber to two representatives on FPCCI's General Body, one from each class. The impugned decision deprives the only licensed chamber of Gwadar district of its corporate-class representative, and therefore half of its voice in the apex body, on an unpleaded and unproved ground. Participation in the electoral college is an incident of the freedom of association under Article 17, which admits only reasonable restrictions imposed by law. An administrative remark is not law.

The Appellants reserve the right to urge further grounds on receipt of the complete record

Prayer

In view of the above, the Appellants respectfully pray that this Honourable Election Commission may be pleased to:

(a) Accept this appeal and set aside Decision No. 011 (186) dated 24.11.2026 to the extent that it excludes or rejects the nomination of Appellant No. 1;

(b) dismiss the objection of Respondent No. 1 dated 24.11.2026 as not maintainable and, in any event, as unsupported by evidence;

(c) restore Appellant No. 1 at Sr. No. 19, GB (Corporate), as GCCI's nominee, and direct the Secretary General, FPCCI, to include him in the Final List of Voters for the FPCCI Elections 2027–28; and

(d) grant any other relief that this Honourable Commission deems just and proper.

List of Annexures

Annex	Document
A	GCCI nomination letter Ref. GCCI/FPCCI/Nominations/2026 dated 13.10.2026 (FPCCI receipt stamp 14.10.2026)
B	DGTO Order No. 95/2026 dated 29.10.2026, F. No. 6(58)/2026-TO
C	DGTO Order No. 96/2026 dated 29.10.2026, F. No. 6(58)/2026-TO

Advocate Appellants

Barrister Yousuf Makda

Date: 25.11.2026