

FROM THE OFFICE OF THE ELECTION COMMISSION - FPCCI

Federation House, Main Clifton, Karachi
T. 021-35873691, 93-94, Fax. 021-35874332

23rd November, 2020

Through Courier, Fax & E-mail

MR. MUHAMMAD ASIF
POLYMER WASTE IMPORTERS AND
RECYCLERS ASSOCIATION
OFFICE NO. 2, FIRST FLOOR
ABDULLAH PLAZA, 5-K
COMMERCIAL AREA, MODEL TOWN
LAHORE
C. 0300-9445870
T. 042-35926439
E. pwara@yahoo.com

Appellant

MR. LALI SHAH
BAJAUR CHAMBER OF COMMERCE & INDUSTRY
KHAR BAZAR
TEHSIL KHAR BAJOUR AGENCY
BAJOUR AGENCY
C. 0308-2727800
T. 0942-221122
E. bccikhar@gmail.com

Respondent

SUBJECT: APPEAL TO THE ELECTION COMMISSION OF THE FPCCI BY MR. MUHAMMAD ASIF, POLYMER WASTE IMPORTERS AND RECYCLERS ASSOCIATION AGAINST THE MR. LALI SHAH, BAJAUR CHAMBER OF COMMERCE & INDUSTRY

Written Statement by the Appellant (Mr. Muhammad Asif)

Objection against nomination of Mr. Lali Shah, nominee of Bajaur Chamber of Commerce and Industry
(copy attached)

Decision of the Secretary General of FPCCI

The relevant Trade Body has requested to furnish the renewed license or any correspondence with the DGTO.

Appeal by the Applicant

Appeal under Rule 18(6) of TOA-2013 against SG-FPCCI decision on rejection objection against Mr. Lali Shah.

Business turnover the Mr. Lali Shah is not sufficient enough to be a corporate member of Bajour CCI. No record found of sales tax number.

Decision of the Members of the Election Commission of FPCCI:

Copy of the valid license has been submitted. However no supporting document has been found to confirm Mr. Lali Shah is eligible to fall under Corporate member's category, therefore Mr. Lali Shah has been excluded from the voter list of FPCCI Election for the year 2021.


ALI A. RAHIM
Member of the Election Commission 2021
Member
Election Commission
FPCCI 2021

Copy to:

Regulator, Trade Organizations, Islamabad
Secretary General, FPCCI


SHAHID VASEEM
Member of the Election Commission 2021
Member
Election Commission
FPCCI 2021


ARSHAD KHURSHID
Member of the Election Commission 2021
Member
Election Commission
FPCCI - 2021

25
10th November 2020

To,
Secretary General,
Federation of Pakistan Chamber of Commerce and Industry,
Karachi

Subject: Objection against nomination of Mr. Lali Shah, nominee of Bajaur Chamber of Commerce and Industry

Dear Sir,

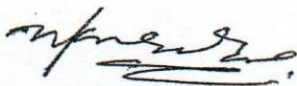
I hereby, raise the following objections on nomination of the aforementioned individual

1. Bajaur Chamber of Commerce has listed Mr. Hussain Ali as Corporate member of its chamber. However, I would draw your attention to Section 2(g) of the Trade Organizations Rules, 2013, which require annual turn-over in excess of Rupees fifty million to qualify as Corporate member of any chamber. Mr. Shah is proprietor of M/s Shah Traders and it is highly unlikely that M/s Shah Traders has an annual turnover in excess of Rupees fifty million and Mr. Shah is put to strict proof of it.
2. No sales tax number is provided and NTN number is provided and is available on record, whereas it is compulsory for a corporate member to be a registered sales tax entity

Please note in light of Islamabad High Court decision in case titled Aftab Ahmad Barlas V Director General Trade Organization and others WP 4172/2019, an individual is required to eligible to vote for the specific class in his nominating chamber, which is evident, that Mr. Hussain fails to do so.

In the light of foregoing, you're requested to reject nomination of Mr. Lali Shah from Bajaur Chamber of Commerce and Industry

Regards.



MR. MUHAMMAD ASIF
Chief Executive Officer,
M/s Comex Corporation, 25/N, Model Town Extension,
Lahore.
NIC: 35202-9997525-5
M: 0300-8445309
E: comex.corporation@gmail.com



19th November 2020

To,
Election Commission
Federal of Pakistan Chamber of Commerce and Industry
Karachi

SUBJECT: APPEAL UNDER RULE 18(6) OF TRADE ORGANIZATION RULES 2013 AGAINST FPCCI SECRETARY GENERAL DECISION DATED 16TH NOVEMBER 2020, ON FAILING TO MAKE ANY DECISION IN OBJECTION AGAINST MR. LALI SHAH

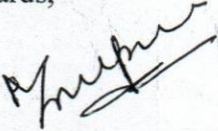
Dear Sirs,

1. The undersigned filed an objection against nomination of Mr. Lali Shah on aforementioned grounds:-
 - a. The aforementioned individual business turnover is not sufficient enough to be a corporate member of Bajur Chamber of Commerce and Industry under Rule 2(g) of Trade Organizations Rule, 2013;
 - b. No record can be found against the sale tax number provided by the aforementioned individual;
2. Whilst considering the complaint of the undersigned to carry weight, the Secretary General has sought comments from aforementioned individual, however, has failed to make any decision upon the objection submitted by the undersigned
3. Rule 18(5) of Trade Organization Rules 2013 requires the Secretary General to decide within five days from the receipt of the complaint and accordingly, the Secretary General is duty bound to make a decision within five days. In case, the respondent to the objection fails to submit any comments, the Secretary General shall decide the objection *ex-parte* on the basis of the objection of the undersigned or by according to the undersigned hearing to further substantiate the objections. However, the Secretary General has failed to decide within time stipulated by the law.
4. Considering the fact that the undersigned made a prima-facie case which compelled the Secretary General to seek comments from the respondent to the objection, who has failed to provide any comments to the satisfaction of the Secretary General. Accordingly, the nomination of the aforementioned individual shall be rejected on this ground
5. Appellant reserve right to argue further grounds at appeal stage if needed. Appellant further reserve right to add supplementary grounds if ever the matter is decided by the Secretary General



In the light of foregoing, it is requested that the nomination of the aforementioned individual may be rejected and decision of the Secretary General to not decide the complaint within stipulated time shall be set aside.

Regards,



MR. MUHAMMAD ASIF

Chief Executive Officer,

M/s Comex Corporation, 25/N, Model Town Extension,
Lahore.

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