



اسلام آباد چیمبر آف کامرس اینڈ انڈسٹری
**Islamabad Chamber of
Commerce & Industry**

CHAMBER HOUSE
Aiwan-e-Sanat-o-Tijarat Road, Mauve Area
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**FROM THE OFFICE OF
THE ELECTION COMMISSION OF THE ICCI, 2022-2023**

05 September, 2022

Through TCS/E-mail/WhatsApp

✓ **Mr. Abid Khan**
AM-2118
A.K. Enterprises,
8, 1st Floor, Shah Centre, Street # 149, G-13/4,
Islamabad.

.... **Objector**

Versus

Mr. Ahsan Zafar Bakhtawari
AM-2380
Arham Enterprises
Plot# 95, Kashmir Arcade, Blue Area,
Islamabad.

Ch. Muhammad Naeem
CM-598
Savour Foods
72-E, Fortune Plaza, Blue Area,
Islamabad.

.... **Respondents**

DECISION OF THE ELECTION COMMISSION
ICCI ELECTION 2022-2023

Under the Provisions of the Rule 18(12) of the Trade Organizations Rules 2013 (here in after called the 2013, Rules) the Election Commission of the Islamabad Chamber of Commerce and Industry (here in after called the ICCI) entertained the objection as raised in the application filed by the



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objector namely Mr. Abid Khan against the nominations of Mr. Ahsan Zafar Bakhtawari and Ch. Muhammad Naeem as candidate for the post of Member Executive Committee of ICCI in the list of candidates for the Election of ICCI 2022-2023, and the Election Commission issued notice for personal hearing to the parties.

To find out the factual controversy of the matter hearing of this case was conducted at the office of the Election Commission of ICCI on 5th September 2022 at Islamabad Chamber of Commerce and Industry and the same was attended by the parties along with their counsels.

During the course of the hearing the objector repeated the objection as contained in the application/objection dated 2nd September, 2022. The applicant/objector stated that Mr. Ahsan Zafar Bakhtawari, the candidate for Member Executive Committee is not eligible to contest the election for the post of Member Executive Committee of the ICCI as he was elected as member of Executive Committee of the ICCI during the year 2019 election therefore he has not completed the one year gap as provided in the Sub Rule 15 of Rule 21 and also referred the Sub Rule 11 of the Rule 20 of 2013 Rules.

The objector also repeated the objection against Ch. Muhammad Naeem who is also a candidate for the post of Member Executive Committee of the ICCI that he was not present at the time of issuance of the nomination papers for the post of Member Executive Committee of the ICCI and requested for rejecting the nomination papers submitted by Ch. Muhammad Naeem.

In response to the objection filed against Mr. Ahsan Zafar Bakhtawari, the respondent namely Mr. Ahsan Zafar Bakhtawari submitted that he is contesting the election for the post of Member Executive Committee of the ICCI and the applicant/ objector is not contesting the Election against any post, therefore the objector being not aggrieved person has no locus standi to file the objection against his nomination therefore the objection filed by Mr. Abid Khan are not maintainable hence liable to be dismissed.

Mr. Ahsan Zafar Bakhtawari further submitted that he is eligible to contest the election as he has completed the period of one year as per sub Rule 15 of Rule 21 of the 2013, Rules as he resigned from the post of Member Executive Committee of the ICCI on 31-05-2021, which was submitted on the same day in Executive Committee meeting held on 31-05-2021 and the Executive Committee accepted my resignation. The restriction contained in sub Rule 15 of Rule 21 of the 2013, Rules restrict only those members who have completed the term and does not restrict to those member who have not completed the term and resigned earlier, therefore the objection are without any basis and misconceived hence liable to be dismissed.



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In response to the objection filed by the objector, the respondent namely Ch. Muhammad Naeem submitted that he is contesting the election for the post of Member Executive Committee of the ICCI and the applicant/ objector is not contesting the Election against any post, therefore the objector being not aggrieved person has no locus standi to file the objection against his nomination therefore the objection filed by Mr. Abid Khan are not maintainable hence liable to be dismissed.

Ch. Muhammad Naeem also submitted that he is contesting the election for the post Member Executive Committee of the ICCI from Corporate Class and the applicant/ objector is voter member of Associate Class hence the applicant has no locus standi to file the objection against his nomination because according to sub Rule (c) of sub Rule (5) of Rule 21 of the 2013 Rules the applicant/objectors does not belong to the electoral college of Corporate Class therefore the objection filed by Mr. Abid Khan are not maintainable hence liable to be dismissed.

Ch. Muhammad Naeem further submitted that the nomination received from the ICCI by his authorized person namely Mr. Muhammad Ijaz Abbasi and there is no restriction in any Law, Rule and Memorandum and Articles of Association of the ICCI that for issuance/obtaining of nomination papers the person must be personally present before the Election Commission of ICCI, However the requirement of sub Rule (9) of Rule 18 of 2013 Rules were fulfilled therefore the objections are not maintainable hence liable to be rejected.

Decision:

The Election Commission of the ICCI after hearing parties at length and as well as examining the relevant provision of the Act, Rules and considering the evidence produced by the parties and decided that the applicant/ objector being not the candidate for the post of Member Executive Committee in the Elections of the ICCI is not an aggrieved party therefore the objection filed by the applicant/ objector are dismissed being not entertainable. The Election Commission also considered the restriction of sub Rule (15) of Rule 20 of the 2013, Rules and decided that the said restriction does not prohibit/ restrict Mr. Ahsan Zafar Bakhtawari from contesting the election for the post of Member Executive Committee of the ICCI, therefore the objection filed by the objector are rejected/dissmissed and Mr. Ahsan Zafar Bakhtawari is declared as eligible to contest the Election for the post of Member Executive Committee of the ICCI.

The Election Commission of the ICCI also consider the objection filed against Ch. Muhammad Naeem and the response of Ch. Muhammad Naeem and decided that the applicant/objector having a separate electoral college as per sub Rule (C) of sub Rule (5) of Rule 20 of the 2013, Rules



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and also being not a contesting candidate is not an aggrieved party therefore has no locus standi to file the objection hence the objection are dismissed/ rejected.

The nomination filed by Ch. Muhammad Naeem are in accordance with the provision of sub Rule (9) of Rule 18 of the 2013, Rules therefore the objection filed by the objector are also rejected/dissmissed as being not maintainable and Ch. Muhammad Naeem is declared as eligible to contest the Election for the post of Member Executive Committee of the ICCI.

In view of the above the application/objection is not maintainable, and hereby rejected.

The matter stands disposed of accordingly.

Zahid Maqbool
Chief
Election Commission

Karim Aziz Malik
Member
Election Commission

Sh. Abdul Waheed
Member
Election Commission