ORDER SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.2655/2020
M/s Muslim Industry and others
Vs.
Director General T.O, Regulator of Trade Organizations and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.10.2021	Mr. Ali Nawaz Kharal, Advocate for the petitioners. Mr. Arshid Mehmood Kiani, learned Deputy Attorney-General. Mr. Moin-ud-Din, Deputy Director, D.G.T.O. Through the instant writ petition, the petitioners assail the order dated 19.08.2020, passed by the Director General of the Trade Organizations ("**D.G.T.O.**"), whereby the appeal filed by respondent No.4 against the concurrent orders passed by the Election Commission and the Secretary General of all Pakistan Stainless Steel Importers & Traders Association, was disposed of with the direction to exclude the petitioners' name from the provisional voters list of the members of corporate class published on 22.07.2020 for the elections 2019-2020. 2. Learned counsel for the petitioners drew the attention of the Court to Rule 2(g) of the Trade Organizations Rules, 2013 and submitted that the D.G.T.O. did not read the said provision correctly; that the requirements for falling in the meaning of "*corporate member or corporation with its head office in Pakistan*" are to be read disjunctively; that since the petitioners are manufacturing concerns having sales tax registration, it was not required to have an annual turn-over of 50 million

rupees and not less than 50 million rupees; and that the said requirement of having an annual turnover of 50 million rupees applied to the business concerns and not to the manufacturing concerns.

3. Respondent No.4, who had filed the objection to the inclusion of the petitioners' name in the provisional voters list, was proceeded against *ex-parte* vide order dated 31.08.2021, passed by this Court.

4. I have heard the contentions of the learned counsel for the petitioners.

5. The petitioners' claim to have been validly included at the initial stage in the provisional voters list of corporate members since they were manufacturing concerns and were not required to have an annual turn-over of Rs.50 million or more in terms of section 2(g) of the Trade Organization Rules, 2013. Rules 2(g) of the said Rules is reproduced herein below:-

> ***"corporate member' means a member of a trade organization which is either a body corporate or a multinational corporation with its head office or branch office in Pakistan or a sales-tax-registered manufacturing concern or a sales-tax-registered business concern having annual turn-over of not less than fifty million Rupees".***

6. It is not disputed that the petitioners are manufacturing concern and do not have an annual turn-over of Rs.50 million or more. If the interpretation that the learned counsel for the petitioners seeks for Rule 2(g) of the said Rules is to be accepted, it would mean that a manufacturing concern with hardly any turn-over would qualify to become a

corporate member. Both associate member and corporate member are required to have an annual turn-over of not less than Rs.50 million. The mere fact that a person or entity is a sales-tax-registered manufacturing concern would not exempt it from the requirement of having an annual turn-over of not less than Rs.50 million. The mere fact that the word "or" appears in Rule 2(g) of the said Rules between the expression "a sales-tax-registered manufacturing concern" and "a sales-tax-business concern having an annual turn-over of not less than 50 million rupees", would also not mean that for a manufacturing concern to be a corporate member it need not have an annual turn-over of Rs.50 million or more.

7. The D.G.T.O. did not commit any illegality by setting aside the concurrent orders of the Election Commission and the Secretary General as the same were devoid of reasons and had not addressed the objections filed by respondent No.4 to the inclusion of the petitioners' name in the provisional voters list of corporate class members.

8. In view of the above, the instant petition is dismissed. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE

JUNAID