

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P.No.D-8520 of 2017
&
C.P.No.D-1816 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGES
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Present:-

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

C.P. No.D-8520 of 2017

Rizwana Shahid.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

C.P. No.D-1816 of 2018

Nazli Abid Nisar.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

C.P.No.D-1816 of 2018

For hearing of CMA No.21319/2018

C.P.No.D-8520 of 2017

1. For orders on Nazir's report dated 16.7.2018

2. For orders on CMA No.20919/2018

3. For orders on CMA No.22882/2018

For hearing of CMA No.22213/2018

06-10-2018

Petitioner Ms.Nazli Abid Nisar is present along with her counsel Mr.Zubair Ahmed Abro, Advocate for the Petitioner in C.P.No.D-1816/2018

Respondent No.4 Syeda Saeeda Bano is present along with her counsel Mr.Muhammad Masood Khan, Advocate in C.P.No.D-1816/2018

Petitioner Rizwana Shahid is present along with her counsel Mr.G.M. Korai in C.P.No.D-8520/2017

Respondent No.4 Ms.Mehreen Elahi is present along with her counsel Mr.Merajuddin, Advocate in C.P.No.D-8520/2017

Shaikh Liaquat Hussain, Assistant Attorney General
Mr.Karamuddin Junejo, Nazir of this court is also present in person.

None present for respondent No.3 in C.P.No.D-1816/2018

None present for respondent Nos.3, 5 and 6 in C.P.No.D-8520/2017

Muhammad Ali Mazhar,J: Both the petitions were disposed of by consent on 1.6.2018. One of the directions in the order was to hold the elections of KWCCI for the term 2018-2019 on 15.07.2018 without any fail and all were agreed that the election shall be conducted under the supervision of the Nazir of this court but for some reasons the elections could not be conducted on the agreed date but no application was filed by any of the parties due to non-compliance of our earlier order.

2. However on 21.6.2018, CMA No.20919/2018 was filed by the respondent No.4 in C.P.No.D-8520/2017 for review of our order passed on 1.6.2018, whereas another application, CMA No.21319/2018 was also filed in C.P.No.D-1816/2018 by the counsel for the petitioner for review of the same order. Though in both review applications some contentions were raised for review of order but today after extensive hearing, parties in court and their counsel have agreed by consent for the disposal of aforesaid review applications as well as other pending applications in the following terms:-

- (1) In C.P.No.D-1816/2018, the petitioner sought the declaration that the election of the respondent No.4 as Vice President of Women Chambers of Commerce and Industry was irregular. The counsel for the respondent No.4 vehemently denied and opposed this contention, however, an alternative prayer is

also mentioned in the same petition through which directions were sought against the respondent No.2 (Director General, Trade Organization) for deciding the complaint/application moved by the petitioner which is pending adjudication. The respondent No.2 is directed to decide the pending application of the petitioner if any within 15 days and after hearing the petitioner and opponent, the respondent No.2 shall pass a speaking order.

- (2) It is further agreed that the election of KWCCI, District East shall be conducted on 22.10.2018 (which could not be conducted on 15.7.2018) and all formalities shall be completed by the DGTO (Director General, Trade Organization), who shall also nominate their representative to liaise with the Nazir of this court for holding fair and transparent elections. The elections shall be conducted under the supervision of the Nazir of this court as directed earlier. At this juncture Petitioner Rizwana Shahid in C.P.No.D-8520/2017 submits that due to some previous inquiry, the Accounts of KWCCI District East, Karachi are seized but some amount is required for conducting elections. So far as the inquiry if any is pending shall be decided by the competent authority which matter is not assailed before us in these petitions so let it be decided in accordance with law. So far as the requirement of funds for elections are concerned, the petitioner in C.P.No.D-8520/2017 and respondent No.4 in the same petition as well as respondent No.4 in C.P.No.D-1816/2018 jointly made a statement that they will contribute amount from their own pocket and they will also request to other members for

some contribution for holding aforesaid elections on the given date, however, it is ordered that the contribution if any received by them from the members or contribute by themselves shall be properly documented in their Books of Accounts for information of newly elected body.

- (3) As early as possible, the Nazir of this court will contact to DGTO for making arrangement of some reasonable place where the elections of KWCCI, District East Karachi for the term 2018-2019 shall be held on 22.10.2018.
- (4) That Nazir shall also contact to the DGTO for all procedural formalities required to be fulfilled under the Articles and Memorandum of KWCCI, District East before the elections. At the same time the parties present in court shall contact the Nazir of this court in his office for providing all necessary details including the particulars of members.
- (5) All parties present in court submit that in the Articles and Memorandum of KWCCI, District East there is no specific time limit for calling AGM so they jointly stated that AGM can be called by them within 2 or 3 days before the elections. The Nazir of this court shall first examine the Articles and Memorandum of KWCCI, District East with regard to provision incorporated for holding of an AGM, then he will ensure that the AGM is called within reasonable period of time so that notice may be served to all members to make sure their presence and the AGM shall be convened at least one week before the elections of KWCCI, District East Karachi.

- (6) So far as the elections of Federation of Pakistan Chamber of Commerce and Industries, Islamabad on woman seat is concerned, all the parties and their counsel have jointly stated that the election on woman seat for the Federation of Pakistan Chamber of Commerce and Industries, Islamabad shall be held as per Schedule on 28.12.2018. The Nazir is appointed Commissioner to supervise this election also. All formalities will be completed as per schedule which has been already issued by Federation of Pakistan Chamber of Commerce and Industries, Islamabad for the aforesaid purpose.
- (7) With the consent of all present, the order dated 1.6.2018 is modified. Consequently, the review applications as well as all pending applications are disposed of in the above terms. However, the Nazir's fee shall remain intact that will be paid in the same manner as ordered earlier on 01.06.2018.

Office is directed to transmit copy of this order to Assistant Attorney General, DGTO, Islamabad and Nazir of this court for compliance.

Judge

Judge

