

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C.P No. D-4636 of 2024

Present:

Yousuf Ali Sayeed and
Arbab Ali Hakro, JJ

M/s. Jamal Associates.....Petitioner

Versus

M/s. Karachi Chamber of
Commerce and Industry & others.....Respondents

Maaz Waheed, Advocate, for the Petitioner.

Date of hearing : 21.09.2024

ORDER

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution in the matter of the elections of the Karachi Chamber of Commerce and Industry (the “**Chamber**”), arraying the Chamber and Director General of Trade Organizations (the “**Regulator**”) as the Respondents Nos.1 & 2 respectively. The Petition has been brought in the backdrop of a complaint made to the Respondent No.2 in respect of matters relating to the elections of the Chamber, with two Orders dated 13.08.2024 and 29.08.2024 being made by the Regulator, as were then unsuccessfully challenged by the Chamber before this Court through Constitution Petition No. D-4398 of 2024. This Petition has since been preferred with it being alleged by the Petitioner that the election is nonetheless being conducted as per schedule whilst disregarding the Orders of the Regulator, and it being prayed as follows:

I. That the Honourable High Court may be pleased to declare that the Secretary General of the Respondent No.1 is mandated to issue voters list and nomination form based on respective membership class;

II. That the Honourable High Court may be pleased to direct the Secretary General of the Respondent No.1 to issue revised provisional voters list based on the respective membership class, and reinitiate electoral process for the term 2024-2026, from the stage of provisional voters list;

III. That the Honourable High Court may be pleased to direct that the elections of the Respondent No.1 shall be held under the supervision of the Nazir of this Honourable Court;

IV. That the Honourable High Court may be pleased to declare that only the members falling within the District South, Karachi viz their domicile and/or business concern, are liable to be considered as eligible members of the Respondent No.1

V. That the Honourable High Court may be pleased to suspend the elections of the managing committee of the Respondent No.1, for the term 2024-2026, scheduled on 21.09.2024, till the pendency of the instant proceedings;

VI. That the Honourable High Court may be pleased to appoint a caretaker managing committee to look after the affairs of the Respondent No.1, until its elections for the term 2024-2026 are conducted;

VII. That the Honourable High Court may be pleased to award any and all other relief as it may deem appropriate in the facts and circumstances of the instant case.”

On query posed as to the maintainability of the Petition, learned counsel appearing on behalf of the Petitioner argued that the same would lie as the Orders of the Regulator were being flouted and the jurisdiction of this Court was thus being invoked for purpose of their enforcement.

Having considered the matter, we find the argument to be misconceived and the Petition to not be maintainable as no relief has been sought against the Regulator, whereas the Chamber is not a 'person' performing any function in connection with the affairs of the Federation or Province within the contemplation of Article 199 of the Constitution. Even otherwise, this Court is not the executing forum for implementing the orders and directives of the Regulator, which has ample power and authority to enforce the same or take cognizance of any violation in that regard in exercise of its jurisdiction under the Trade Organizations Act 2013. As such, while granting the Application for urgent hearing, we dismiss the Petition *in limine* along with the other miscellaneous applications.

JUDGE

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