

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

Suit No. [-] 2582 of 2023
Printech Packages (Pvt.) Ltd. v. Federation of Pakistan

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA No.20991 of 2013.
2. For orders on Office Objection at Flag 'A'.
3. For orders on CMA No.20992 of 2023.

21-12-2023

Mr. Iftikhar Hussain, Advocate for the Plaintiff alongwith
Mr. Muzzammil Hussain, Advocate.

Adnan Iqbal Chaudhry J. - 1] Urgency granted. 2] Four days granted for compliance.

3] The Plaintiff claims to a member of the All Pakistan Paper Merchants Association [APPMA-Defendant No.5] which is a trade organization under the Trade Organizations Act, 2013. The APPMA in turn is a member of the Federation of Pakistan Chambers of Commerce & Industry [FPCCI-Defendant No.4], also a trade organization. On 08-12-2023, the FPCCI issued a final voters list for it's election scheduled for 30-12-2023. That list included the Defendants 6 and 7 as members nominated by the APPMA for electing office bearers of the FPCCI. The case of the Plaintiff is that *vide* order-in-original dated 03-12-2021, the Regulator of Trade Organizations had held the APPMA to be dis-functional for not holding internal election for three (03) years, and by said order the APPMA had been barred from nominating a member for the election of the FPCCI for the year 2022; that though such order subsists, still the FPCCI has included the Defendants 6 and 7 in the final voter list as nominees of the APPMA for the forthcoming election of FPCCI.

The Plaintiff does not show whether its membership to APPMA was renewed after 31-03-2023 as per Rule 11(4) of the Trade Organizations Rules, 2013 so as to have *locus standi*. The record also

does not show the fate of the order dated 03-12-2021 passed by the Regulator against the APPMA. Nevertheless, it is not contended by the Plaintiff that APPMA's license as trade organization was subsequently cancelled by the Federal Government under section 7 of the Trade Organizations Act, 2013 so as to make it ineligible to vote at the election of FPCCI.

Be that as it may, admittedly, an Election Commission was appointed by the FPCCI under Rule 17 of the Trade Organizations Rules, 2013 for taking charge of the forthcoming election. Rule 18 then provides a complete mechanism and a hierarchy for objecting to entries in the voter list, starting from Secretary General of the FPCCI, against that a representation to the Election Commission, and against that an appeal to the Regulator. Per the Plaintiff, on 12-12-2023, it had filed objections to the voter list with the Secretary General of the FPCCI, but no response was given. In my view even if no response was given, since the response was time-bound to 5 days by Rule 18(5), a no-response entailed that the objection was declined, and the Plaintiff could have approached the Election Commission under Rule 18(6), and then the Regulator under Rule 18(7). That was not done, and instead the Plaintiff has filed this suit at the cusp of the election. In any case, the Plaintiff's grievance is essentially with its own trade organization, the APPMA, for having nominated the Defendants 6 and 7 allegedly without lawful authority, and does not by itself become a ground for interfering with the process of FPCCI's election.

For the foregoing reasons, the Plaintiff does not have a *prima facie* case for the grant of a temporary injunction. Since no personal right of the Plaintiff is involved, there will be no irreparable harm to the Plaintiff if the injunction is denied. The balance of convenience is also in favour of the FPCCI for a timely election. Therefore, the application [CMA No.20992 of 2023] is dismissed in *limine*.

JUDGE