

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D- 4398 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case.

1. For order on Misc. No.19480/2024
2. For order on Misc. No.19481/2024
3. For the hearing of the main case.

16-09-2024

Mr. Khalid Javed, advocate for the petitioner.

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Mr. Javed submits that the elections for K.C.C.I. are due on 21.09.2024. The preparation is complete, voter lists have been issued, and voters have been allocated their respective serial numbers based on which serial numbers they have canvassed these elections. Learned counsel submits that for reasons best known to the Regulator of the Directorate General of Trade Organizations, he has, in a piecemeal manner, been passing orders on complaints of some members of K.C.C.I. The latest of which orders has been e-mailed to K.C.C.I. on 13.09.2024. The acts and conduct of the Regulator, according to Mr. Javed, are based solely on malafide and are being made with the object that the elections should be delayed.

What we understand from Mr. Javed is that the Regulator has raised the following objections:

- (i) That the fee for election cannot be increased from Rs.15,000 to Rs.100,000;
- (ii) E-voting cannot be allowed;
- (iii) That separate lists of associate and corporate members be prepared and displayed; and
- (iv) That serial numbers allocated to specific candidates should be changed.

Mr. Javed has argued that an Annual General Meeting of K.C.C.I. was held on 30.09.2023. He has drawn our attention to the resolutions passed on Agenda Item No. 2 in which the shareholders have resolved that the fee should be increased to Rs.100,000 and

e-voting be permitted. In any case, his view is that there is no bar on the fee being increased in law, in any rule or regulation or the Memarts of K.C.C.I.

Mr. Javed further argues that the entire world is moving towards e-voting, and there is absolutely no impediment to allowing e-voting. Voting has not been restricted to e-voting, but the facility of manual voting shall also remain available to members. Lastly, he argues that even the direction to change the serial numbers of candidates at this advanced stage, when the candidates have already canvassed against the serial numbers earlier allotted to them, will cause unnecessary confusion and delay in holding elections.

Mr. Javed has informed us that appeals against the Directorate's decisions have been filed before the Federal Government and are yet to be heard. He strongly emphasized that in spite of the pendency of these appeals, the Directorate continues to issue unlawful directions. He prays that the elections be allowed to be held subject to the outcome of this petition.

We are not inclined at this stage to permit elections without hearing the respondents. Notice should be issued to the respondents for a hearing on 18.09.2024. Meanwhile, the Directorate shall take no coercive action against K.C.C.I. in connection with the election until 18.09.2024. This order shall cease to have effect on 18.09.2024, unless the Bench extends it.

JUDGE

JUDGE