

**FROM THE OFFICE OF THE ELECTION COMMISSION
OF THE MULTAN CHAMBER OF COMMERCE AND INDUSTRY**

Multan Chamber of Commerce and Industry, Shahrah-e-Aiwan-e-Tijarat-o-Sanat,
Multan.

07 August, 2026

Mr. Fahim Asif,
M/s Certus Seeds (Pvt) Ltd.,
Plot No.9, Industrial Estate Phse II,
Multan.

... .. Appellant

Mr. Muhammad Shahid Iqbal,
M/s Shahid Associates
H.O; Bunglow No.120, Defence Officers Housing Scheme.,
Sher Shah Road,
Multan.

... .. Respondent

SUBJECT; **DECISION OF THE ELECTION COMMISSION OF THE
MULTAN CHAMBER OF COMMERCE & INDUSTRY IN THE
APPEAL FILED BY THE APPELLANT.**

The instant appeal has been preferred against the order dated **31.07.2026** passed by the Secretary General, Multan Chamber of Commerce and Industry, whereby the representation submitted by the Appellant was disposed of and **M/s Shahid Associates** was retained as an **Associate Member** for the purposes of the elections of the Multan Chamber of Commerce & Industry for the term **2026-2028**.

Facts and Grounds of Appeal

The principal grievance of the Appellant is that the Secretary General acted illegally and without lawful authority in transferring **M/s Shahid Associates** from the **Corporate Class** to the **Associate Class** after the commencement of the election process. It is contended that the respondent had not renewed its membership as an Associate Member &, therefore, could not be treated as a valid Associate Member for the purposes of the forthcoming elections.

The Appellant has further asserted that prior to the issuance of the election schedule, the respondent's name did not appear in the list of valid Associate Members and that, once the election process had commenced, no alteration in the class of membership could lawfully be effected. Reliance has been placed upon Article 16 of the Memorandum and Articles of Association of the Multan Chamber of Commerce & Industry, which, according to the Appellant, mandates that any change in the class of membership must be notified by the Secretary General with the approval of the Executive Committee at least three months before the announcement of the election schedule. It is, therefore, prayed that the impugned order be set aside and the name of **M/s Shahid Associates** be deleted from the voters' list.

Consideration by the Election Commission

The Election Commission has heard the parties, carefully examined the pleadings, scrutinized the entire record produced by the Secretary General relating to **M/s Shahid Associates**, and considered the provisions of the Trade Organizations Act, 2013, the Trade Organizations Rules, 2013, and the Memorandum & Articles of Association of the Multan Chamber of Commerce & Industry.

The record unequivocally establishes that **M/s Shahid Associates** has remained an enrolled member of the Multan Chamber of Commerce & Industry since the year **2016**. Significantly, the Appellant has not questioned the respondent's enrolment or continuity of membership. The sole controversy pertains to the class in which the respondent has been placed for electoral purposes.

It is further evident from the membership record that at the time of enrolment, the respondent neither claimed nor specified any particular category or class of membership. Consequently, the classification initially assigned by the office of the Chamber was an administrative act undertaken by the Chamber itself. There is nothing on record to suggest that the respondent either sought an incorrect classification or was instrumental in the alleged error. Any mistake in the classification of the respondent, therefore, is attributable exclusively to the administrative office of the Chamber.

It is a settled principle of administrative law that no person should suffer adverse civil consequences on account of an error committed by a public authority or statutory functionary where such person has neither contributed to nor benefited from the alleged irregularity by fraud, concealment or misrepresentation. The doctrine *actus curiae neminem gravabit*, though ordinarily applicable to judicial acts, embodies the broader equitable principle that an individual should not be prejudiced by the mistake of the authority entrusted with the performance of statutory functions.

The publication of the provisional voters' list is intended to facilitate the correction of omissions, inaccuracies and clerical or administrative errors before the electoral roll attains finality. The correction of an erroneous classification of an existing member, whose membership itself remains valid and undisputed, cannot be equated with the grant of a fresh membership or the induction of a new voter into the electoral process. Such rectification merely restores the member to its correct legal position and ensures the preparation of a lawful and accurate electoral roll.

The Appellant has heavily relied upon **Article 16 of the Memorandum & Articles of Association**. The Commission has carefully considered the said provision. In the opinion of the Commission, the restriction contained therein governs cases involving an actual or voluntary change in the class of membership. It cannot reasonably be construed to prohibit the rectification of an administrative or clerical error committed by the Chamber itself. To interpret Article 16 otherwise would lead to manifest injustice by depriving a bona fide member of its statutory electoral rights solely because of an administrative lapse for which it bears no responsibility.

Even otherwise, the Memorandum & Articles of Association, being subordinate to the statutory framework embodied in the **Trade Organizations Act, 2013** and the **Trade Organizations Rules, 2013**, must receive an interpretation consistent with the parent statute. Any interpretation which has the effect of disenfranchising a valid member without any default attributable to such member would defeat the object and spirit of the statutory scheme governing trade organizations.

Section 2(i) of the **Trade Organizations Act, 2013** defines a "member" to include a sole proprietor, partnership, association of persons, company or multinational corporation engaged in trade, industry or services and duly enrolled as a member of a trade organization. The material available on record unmistakably establishes that **M/s Shahid Associates** has remained a duly enrolled member of the Chamber since the year 2016, and there is no material to suggest that its membership has ever ceased, lapsed or been terminated in accordance with law.

The Commission is, therefore, satisfied that the Secretary General rightly exercised his administrative authority in correcting the erroneous classification of the respondent by placing it in the Associate Class. Such rectification neither conferred any undue advantage upon the respondent nor altered its substantive rights, but merely corrected an administrative error so that the electoral roll reflected the true legal status of an existing member.

The contention that the respondent should be deprived of its franchise merely because of an administrative error committed by the Chamber is devoid of legal substance and cannot be accepted. The right to participate in the electoral process of a trade organization cannot be denied except in accordance with the provisions of law and upon the existence of a legally sustainable disqualification, none of which has been established in the present case.

Decision of the Election Commission of the Multan Chamber of Commerce & Industry

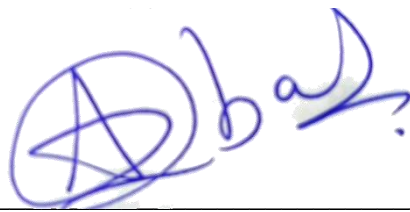
For the foregoing reasons, this Commission finds no illegality, irregularity or jurisdictional defect in the order dated **31.07.2026** passed by the Secretary General.

Consequently, the appeal being devoid of merit is **dismissed**.

The order dated 31.07.2026 passed by the Secretary General is hereby affirmed, and **M/s Shahid Associates** shall continue to be treated as a valid Associate Member of the Multan Chamber of Commerce & Industry. Its name shall accordingly remain on the Final Voters' List for the Elections of the Multan Chamber of Commerce & Industry for the term **2026-2028**.



KHAWAJA MUHAMMAD ALI
Member of the Election Commission



MIAN ARIF IQBAL
Member of the Election Commission

C.C To: DGTO for information