

JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

W.P No.2917/2019.

Ubaid Ahmed Qureshi Vs. Mukaram Shah etc.

Petitioner by: Ch. Muhammad Hafeez Ullah,
Advocate.

Respondents by: M/s Nasim Ahmad Shah, Amanullah,
Raja Inaam Amin Minhas, Riaz Hanif
Rahi and Abdul Wahid Qureshi,
Advocates for respondents.

Date of Decision: 21.08.2019.

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has assailed the order dated 02.08.2019, passed by the Secretary, Cooperative Housing Societies, Islamabad/respondent No.2, whereby nomination papers of the petitioner to contest upcoming election of Jammu Kashmir Cooperative Housing Society have been rejected.

2. Learned counsel for the petitioner contends that respondent No.1 has raised objection against nomination papers of the petitioner, who is participating in the upcoming election of Jammu Kashmir Cooperative Housing Society, whereas election commission rejected nomination papers of the petitioner without any reason while considering online verification certificate issued by FBR, which was submitted by respondent No.1, in which a business activity has been referred as Spectrum Real Estate; that the appeal filed by the petitioner in terms of rule 16 of the Islamabad Capital Territory Cooperative Societies (Managing Committees Election) Rules, 2014 was allowed but revision petition in terms of section 64-A of the Cooperative Societies Act, 1925 was allowed through the impugned order without considering the record; that the petitioner is doing business as Hashmi Food as recorded in the FBR record and the certificate submitted by respondent No.1 is fake, which has not been confirmed through any independent source.

3. Conversely, learned counsel for the respondents contends that the petitioner is running business of real estate in the name & style of Spectrum Real Estate, which has been registered with FBR and two separate online certificates have been placed on record, whereby Rule 3(ii)(a) of the Election Rules 2014 as well as bye law 29(6) puts bar against the petitioner to participate in the election process of the Managing Committee of Jammu Kashmir Cooperative Housing Society.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that nomination papers of the petitioner for the post of treasure of the Jammu Kashmir Cooperative Housing Society were rejected by the election commission, against which appeal of the petitioner was accepted vide order dated 22.07.2019 but his nomination papers were again rejected by the Secretary Cooperative Housing Societies/respondent No.2 in revision petition through impugned order.

6. The basic objection raised by respondent No.1 against the petitioner is disqualification referred in Rule 3(ii)(a) of the Islamabad Capital Territory Cooperative Societies Managing Committee Election Rules 2014, which provides specific bar upon a person to contest election, if he is involved in Real Estate business. Respondent No.1 has placed online verification assessment certificate issued by FBR printed on 30.06.2019, which reveals that the petitioner is running business in the name and style of Spectrum Real Estate, whereas the petitioner has submitted another online verification assessment certificate issued by FBR dated 07.11.2019, which reveals that the petitioner is doing business of food in the name and style of Hashmi Food in shop No.344, I-11/4, Islamabad. Close scrutiny of both these documents reveal that registration number and reference number of the petitioner in both the certificates are same and as such the authenticity of the said document has further been clarified on the request of Secretary Cooperative, ICT, Islamabad/respondent No.2, who has issued letter to the office of Commissioner Inland Revenue City Zone Regional Tax Office Rawalpindi dated 02.08.2019 and in reply Commissioner Inland Revenue has confirmed that the petitioner is running

Real Estate business upto 30.06.2019. Copy of the reply has been placed on record. Respondent No.2/Secretary Cooperative Housing Societies has rightly rejected nomination papers of the petitioner through the impugned order.

7. In view of above discussion, the instant writ petition is devoid of merits, therefore, the same is hereby **dismissed**.

(MOHSIN AKHTAR KAYANI)
JUDGE

R Anjam