

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 2259 of 2020

Shahid Zaman Shinwari.

VS

Ministry of Commerce and another.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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11.9.2020.

**Ch. Haseeb Muhammad, Advocate for the
petitioner.**

Malik Ghulam Sabir, Advocate.

(In C.M.No. 2467/2020).

Mr. Muhammad Javed Iqbal, AAG.

Mr. Moin Ahmad, Deputy Director, DGTO.

Petitioner has invoked the constitutional jurisdiction of this Court by way of filing instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking following prayers:-

- i. That the act of respondents of not considering and passing a speaking order in line with Section 24-A of General Clauses Act, is illegal, unlawful, mis-use of power and void at-initio;
- ii. That the respondents should act in accordance with law and pass a speaking order after considering the application/representation of petitioner dated 24.07.2020 in line with Section 24-A of General Clauses Act, within a period of 15 days.
- iii. That till the decision of the respondents on representation of petitioner dated 24.07.2020 the process of the election may kindly be stopped and the same may be made subject to final adjudication of this writ petition.

C.M.NO. 2467/2020:

This CM has been filed by Islamabad Chamber of Commerce and Industry to implead it as Respondent as they will be effected by any decision taken in the matter and thus are the necessary party. Since, the parties have no objection to the impleadment of applicant as one of the Respondents, therefore, instant

application is allowed. Applicant is arrayed as Respondent No.3 in the titled petition.

MAIN CASE:

At the outset, Respondent No.2, submitted that the representation filed by the petitioner has been disposed of vide Order-in-original No. 53/2020 dated 09.09.2020 and furnished the same for the perusal of the Court. Learned counsel for petitioner has also perused the same.

2. Learned counsel for the petitioner submitted that the order has not answered the contentions raised in the representation and therefore, the grievance of the petitioner has not been redressed yet.

3. Learned counsel appearing on behalf Islamabad Chamber of Commerce and Industry submitted that now the order has been passed on representation and in terms of Section 21 of Trade Organization Act, 2013, the said order is an appealable order thus, the petitioner if aggrieved, can challenge the same in appeal.

4. The contention of learned counsel for Islamabad Chamber of Commerce and Industry has force as the order dated 09.09.2020, is an appealable order and the contents of the said order cannot be discussed at this forum. Petitioner, if aggrieved, is at liberty to avail the option provided under the law. Moreover, through present petition, the petitioner has sought disposal of its representation pending before Respondent No.2 before the forthcoming election and since, petitioner's pending representation dated 24.07.2020 has been decided by the Respondents, vide ONO dated 09.09.2020, therefore, purpose of the present petition has been served. Hence, present

petition is **disposed of** as having borne fruit. However, it is expected that the elections of the Islamabad Chambers of Commerce and Industry shall be conducted in a free and fair manner in accordance with law.

(LUBNA SALEEM PERVEZ)
JUDGE

ADNAN/