



COCP-3579-2025 (O&M)

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2025:PHHC:095351



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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COCP-3579-2025 (O&M)
Date of decision: 24.07.2025

Payal Chaudhary

...Petitioner

Versus

KAP Sinha IAS and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Jagmohan Singh Bhatti, Advocate
for the applicant-petitioner.

Mr. Animesh Sharma, Addl. A.G. Punjab.

SUDEEPTI SHARMA, J. (ORAL)

1. The present contempt petition under Article 215 of Constitution of India read with Section 10, 12 and 2(c) of the Contempt of Court Act 1971 is filed for alleging willful disobedience of judgment passed by Hon'ble Supreme Court of India in Writ Petition (C) No.538 of 2023 titled as 'Rajeeb Kalita Vs. Union of India and others, decided on 15.01.2025.

2. Learned counsel for the petitioner contends that disconnection of water supply especially when ordered by a Court or done in violation of Court orders, can lead to contempt Court charges. The Hon'ble Supreme Court along with the other High Courts has dealt with cases involving the disconnection of water and electricity supplies, emphasizing that such action can be a violation of fundamental rights and may be considered contemptuous. He further contends that water is considered a basic necessity and its disconnection particularly when it affects fundamental rights like the right to livelihood can be a serious issue.

3. I have heard learned counsel for the petitioner and perused the



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whole file of the present case.

4. Petitioner has placed on record contempt and legal notice as Annexure P-2.

5. Relevant para's of the said notice is reproduced as under:-

"1. That my client states that she is the owner of the property Flat No. 19 C. Tower 10, Savitry Greens 2, Gazipur Road, Zirakpur, Punjab and the addressees nos. 6 to 11 (herein referred as "the builder") being the managing director and directly and indirectly related to the project of the addressee number five being the builder of Savitry Greens 2 project Zirakpur has violated the mandate of the Honourable Supreme Court of India on the subject of the communities which are the basic duty of the state instrumentality as well at the builder while providing uninterrupted water supply along with the other with the communities for the residents of the dwelling units and if there is any demand on maintenance charges the coercive measures cannot be a tool in the hands of the addressees nos. 6 to 11. My client further states that it is not out of place to one finds that several are continuing on the sanctions duty and maintenance obligations "since the inception of the project by the builder" without any accountability on the subject.

2. xxxxxx

3. That my client states that the residents of Savitry Greens 2, including my client being the complainant, have been continuously representing their grievances to the Builder and



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his maintenance team since 2013-2014 for the redressal of serious concerns affecting our life, safety, and welfare. However, despite the lapse of more than a decade, the Builder has failed to discharge his statutory and contractual obligations. The deficiencies, meticulously documented and repeatedly brought to their attention, include, but are limited to:

- a) No flat-wise parking allocation, causing daily disputes among residents.*
- b) Non-availability of ARD (Automatic Rescue Device) systems and trained lift operators, in all high rise Towers, posing a significant safety risk.*
- c) Inadequate absence of CCTV cameras and boom barriers at entry/exit points, compromising the security of the society.*
- d) Lack of boundary wall or proper fencing, exposing the society to trespassers and security threats.*
- e) Inoperative fire hydrants and Inadequate absence of emergency fire safety systems, a critical lapse.*
- f) Uncovered PSPCL meter panels and no backup line, leading to safety hazards.*
- g) Frequent power cuts due to insufficient transformers and old wiring infrastructure.*
- h) No backup power provision for G+3 flats, contrary to promises.*
- i) Non-provision of promised park, playground or space for a temple.*
- j) No whitewash or repair of Tower 10 since construction, leading to dilapidation,*
- k) Non-refund of illegally collected PSPCL meter installation charges.*
- l) Non-functional STPs (Sewage Treatment Plants), leading to grave health hazards and environmental concerns.*



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- m) Intentional misuse of residents consent received for electricity meter for mother approved new projects.*
- n) Electricity charges not paid to the PSPCL*
- a) No flat-wise parking allocation, causing daily disputes among residents.*
- b) Non-availability of ARD (Automatic Rescue Device) systems and trained lift operators, in all high rise Towers, posing a significant safety risk.*
- c) Inadequate absence of CCTV cameras and boom barriers at entry/exit points, compromising the security of the society.*
- d) Lack of boundary wall or proper fencing, exposing the society to trespassers and security threats.*
- e) Inoperative fire hydrants and Inadequate absence of emergency fire safety systems, a critical lapse,*
- Uncovered PSPCL meter panels and no backup line, leading to safety hazards.*
- g) Frequent power cuts due to insufficient transformers and old wiring infrastructure.*
- h) No backup power provision for G+3 flats, contrary to promises.*
- i) Non-provision of promised park, playground or space for a temple.*
- j) No whitewash or repair of Tower 10 since construction, leading to dilapidation,*
- k) Non-refund of illegally collected PSPCL meter installation charges.*
- l) Non-functional STPs (Sewage Treatment Plants), leading to grave health hazards and environmental concerns.*
- m) Intentional misuse of residents consent received for electricity meter for mother approved new projects.*
- n) Electricity charges not paid to the PSPCL*
- o) Representations to the SSP, DSP and SHO of Mohali under consideration or ending in fiasco.*



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p) Representation to the Municipal Council, Zirakpur too is either under consideration or ending in fiasco.

q) Other malpractices of NK Sharma Enterprises which reads as under:

To- Maintenance In-charge/Authorised Person

C/O NK Sharma Enterprises

Savitry Greens 2, Gazipur Road, Zirakpur. Dist Mohali (Pb)

Subject: Monthly Maintenance Charges for Savitry Greens 2

Respected Sir/Madam,

Since 2013-14 and onwards, residents of Savitry Greens 2' society are facing one or other issues related to day today operations. Despite of several meetings with Maintenance team and management, there are no solution or delay in the implementation, for these pending matters. List of pending works and concerns are as follows.-

1. Flat-wise allocation of Parking. Society flats has increased two to three folds. However fiat wise parking is NOT allocated. Due to lack of parking lots, there are regular infighting between the vehicle owners. You are again communicated by this letter, to provide this Flat-wise parking allocation ASAP.

2. ARD and Lift Operator for All Lifts in High-rise Towers Lifts in Tower 7, 8 & D blocks, are not equipped with ARD system. There are several incidents of lift failures in the recent past. Lifts in Tower 8 are regularly out of order. To avoid any casualty and harassment of residents, ARD system must be installed in all lifts immediately. In addition to this, trained and certified Lift Operator should be deployed in all /each lift. It will release Security Guards placed at High-rise towers and they can actually perform the security related functions.

3. CCTV Cameras & Boom Barrier at all Entry & Exit Points. Due to regular expansion of society, there are multiple open space, entry and exit points. Security guards /persons are working without boom barrier and CCTV cameras. These security guards are not able to maintain record of vehicles entering or going out. There are several incidents by un-authorized vehicles in society. In addition to this, there should be CCTV camera at every block or intersection of internal roads. CCTV data recording back-up MUST be maintained for at least 15 days. You are kindly requested to arrange the boom



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arriers and CCTV cameras at all entry points.

4. *Boundary-wall or Closure of Society-* Since society is expanding in all possible directions, therefore there should be provision for Temporary Boundary or Closure. So that, basic security of society is maintained. And this temporary boundary walls can be reallocated to other location as per requirements. Kindly arrange for the same.

5. *Fire Hydrant-* Fully operation and connected fire hydrants are basic requirement in all blocks of society. As on date, there are only a few fire hydrants systems that are connected with the water tanks. Otherwise many hydrant fire systems are just showpiece and they are not connected with water source. And there are many blocks, there are no such system. You are kindly requested to look into it and provide all required and fully operational fire hydrants system in every block & tower.

6. *Meter Panels (for Both PSPCL & Power Back-up Meters)* -Electricity Meters are NOT covered by panels in many blocks in society. All electricity meters should be covered by panels in all blocks & towers of society. In addition to this, you are communicated to arrange install dedicated & separate Power-backup lines as per PSPCL norms/agreement.

7. *Transformers as per PSPCL Norms-* During summer season, residents have to suffer electricity cuts and outage due to non-sufficient transformers in the society. We need society internal electricity infrastructure as per PSPCL Norms. You are again communicated to install sufficient numbers of 500 KWh/KVA transformers. In addition to this, you are requested to get sufficient electricity load for the society. So that all residents get their electricity meter replaced by PSPCL meters. In addition to this, you are requested to ensure the Internal Electricity Infra as per expanded society that includes Section Power load, Internal Cables etc.

8. *Optional Power Back-up Facility for G+3 Blocks -* Due to extreme weather conditions, electricity supply is irregular and long outage from PSPCL during summer & winter days. Therefore, we G+3 Flats, require 'Power Back-up facility. You are kindly requested to arrange for the Power Back-up for the entire society including G+3 Flats. So that who-so-ever is willing to pay for it, can avail this Power back-up.

9. *Playground/Park and Space for Society Mandir-* There is no playground in the society for 700+ families. Initial playground developed by residents (at the Main entry gate) was used for commercial purpose. After that, there is NO playground in



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the society to conduct any social gathering or function. In addition to this, many times in the past management and authorised persons from NK Sharma Enterprises, have promised a dedicated space for Temple along-with park in the society. We request for the same at the earliest possible time.

10. One Time Internal Repair & White-wash of Society- So many times in the past, management and authorised persons from NK Sharma Enterprises, have promised one time White-wash for entire Tower 10. But, No whitewash is done for Tower-10 since construction. You are therefore requested to whitewash & repair entire Tower 10.

11. Refund of Meter Installation Charges: Most of the residents have paid meter installation charges @ Rs 3500/- to Rs 4500/-to NK Sharma Enterprises at the time purchase of flats. These charges are not authorised by PSPCL. There are No such charges applicable for meter installation. You are therefore requested to refund the meter installation charges to the residents.

12. Functional STPs- All STPs are non-functional and out-dated You are kindly requested to ensure that all mandatory required STPs are functional and are installed in the Savitry Greens 2 society.

With this Notice / Letter/Communication, we the residents of Savitry Greens 2, would like to inform you that, till the time all above mentioned works/jobs/demands are NOT completed satisfactorily, residents of Savitry Greens 2 will be paying Monthly Maintenance Charges, effective from July'2024 as per followings-

All High-rise (Lift) Towers-Rs 1000/- per month

D 1& D2-Towers - Rs 500/- per month.

All G+3 Towers/Blocks - Rs 500/- per month.

With folded hands, we again request you to look into these long pending demands and matters, and arrange time-bound resolutions of all above mentioned issues and concerns. And once these pending issues are resolved, from that date onwards, we will start paying Monthly Maintenance charges as per today norms.

Looking forward for speedy and satisfactorily resolution.

Best regards,



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All Residents of Savitry Greens 2,

Gazipur Road, Zirakpur.

Date-July 28, 2024.

Due to this reason the atrocities of the addressees no. 6 to 11 are on rise with the active connivance of the addressee no. 5 and the political philosophy and influence of Sh. NK Sharma of the addressees no. 6 to 11 being the showman of the political influence being the formerly Chairman of the Planning Board, Mohali, Ex MLA and having the affiliation with the political party Akali Dal (Badal)

4. That my client states that on September 17, 2024, due to the Builder's gross negligence and failure to install or maintain adequate fire safety infrastructure, a major fire incident occurred in the flat of complainant. Though nearby residents rushed to assist, however, the installed fire-fighting equipment was nonfunctional, outdated, and disconnected from any water source, rendering fire control efforts futile. The fire caused massive damage to household belongings of complainant, including Air Conditioners, LED Television, Refrigerator, 7 Seater Sofa, 1 Laptop, 1 RO System, 1 Oven, Aquarium, and several decorative/personal items. The estimated cost of loss occurred to complainant is approximately 12-15 lakhs. Had functional fire safety equipment been in place as per law, this incident could have been entirely prevented. Shockingly, even after this life-threatening event, Tower 10, 11 continues to lack ARDs in lifts, and the firefighting infrastructure remains expired and useless, thus posing serious criminal negligence and endangerment to life. Copy of the Photographs and news paper reports are available with my client to demonstrate the cause.

5. That my client states that on July 18, 2025, the Builder, in an arbitrary, highhanded, and illegal manner, disconnected the water supply to complainant flat and several other flats', without any prior notice, court order, or lawful justification who are raising voice against the builder to builder to provide basic amenities and services as per the agreement. My client states that aforementioned action has been taken solely to compel residents to pay monthly maintenance charges, even though the builder here is utterly in widening the basic amenities that would justify such charges?

6.xxxxxxx

7.xxxxxxx

8. That my client states that the Hon'ble National Consumer



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Disputes Redressal Commission (NCDRC) has categorically held that essential services like water, electricity, and sanitation cannot be stopped or used as tools for coercion to recover maintenance dues. While maintenance charges are a legitimate expense for residents, they should be recovered through appropriate legal channels, not by disrupting essential services.

9. *That my client states that the act of disconnecting water supply without due process and for non-payment of maintenance, especially where the Builder' himself is in gross breach of service obligations, amounts to Criminal intimidation under Section 351, BNS, for threatening residents with essential service disconnection and Public mischief under Section 326 (a) BNS for threatening residents with the essential services with a coercive means and adopting multiplexed is invites attention of addressee number 1 to 4 to blacklist such a builder with the law of land as well as the judgement of the Honourable Supreme Court of India while violating the right of the residents by way of disrupting the basic amenities to the developed project thereby causing injury harm and harassment the large number of the investors and the residents of the locality.*

10. *That my client states that prior to this action, the residents including my client had also filed complaint via email before the SSP Mohali and SHO Zirakpur. The police officials subsequently telephonically contacted the Builder and directed him to restore the water connection, but the Builder refused to comply. Upon this, the police refused to register a case and directed the complainant and other residents to resolve the matter mutually with the Builder.*

11. *That my client states that the residents have lawfully withheld maintenance charges under protest due to the prolonged and continuing failure of the Builder to provide mandatory services.*

Residents have also issued public notices and circulars informing the Builder of the same. Thus, the withholding of charges is a legitimate act of protest, and the Builder's retaliatory action of water disconnection is wholly arbitrary, unlawful, and malicious.

12. *That my client states that multiple requests were made to the Builder in writing and in meetings, but instead of taking corrective action, he has resorted to targeting protesting residents, including myself, by cutting off water supply and threatening further disconnection."*

6. Upon careful examination of the contents of the petition and the legal notice referred therein, it is apparent that the grievance raised by the



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petitioner stems from a private civil dispute between him and private respondents No. 6 to 11. The petitioner has not placed any cogent material on record to establish even a *prima facie* case of willful disobedience or violation of the judgment of the Hon'ble Supreme Court.

7. This Court finds that the subject matter of the present contempt petition is entirely civil in nature and falls outside the purview of contempt jurisdiction, consequently, the present contempt petition would not be maintainable.

8. The petitioner, despite being specifically directed by this Court to avail appropriate civil remedies in accordance with law, has persisted in pressing this contempt petition without any tenable basis.

9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court. The tendency of litigants to misuse the judicial forum by engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

10. The Hon'ble Supreme Court, in ***Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114***, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice with unclean hands, are



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not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

11. The petitioner’s conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon’ble Supreme Court in ***Subrata Roy Sahara v. Union of India (2014) 8 SCC 470***, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the Indian judicial system. The Hon’ble Apex Court observed as under:-

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and ill-considered claims. One needs to keep in mind, that in the



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process of litigation, there is an innocent sufferer on the other side of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

12. The Hon’ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as ***K.C. Tharakan v. State Bank of India & Ors.*** decided on 01.05.2023, the Hon’ble Apex Court held as follows:

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

13. This Court is of the considered view that the present petition is a stark example of such abuse. It is thus imperative for this Court to uphold the sanctity of the judicial process and prevent its pollution by unscrupulous litigants. The time and resources of the Court are finite and must be preserved



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for genuine grievances deserving of judicial intervention.

14. In the light of the foregoing, and with the objective of sending a strong deterrent message, this Court finds it appropriate to impose exemplary costs upon the petitioner.

15. Accordingly, the contempt petition is dismissed with costs of ₹50,000/- (Rupees Fifty Thousand only). The said amount shall be deposited by the petitioner within a period of two months from the date of this judgment with the treasure of Punjab and Haryana High Court Bar Association, which shall be utilized for construction/renovation of Women Bar Room, Punjab and Haryana High Court, Chandigarh,

16. In the event of default in compliance, the amount shall be recovered from the petitioner as arrears of land revenue by the competent authority.

24.07.2025

Yogesh

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No