

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****205****COCP-1774-2025- (O&M)****Date of decision: 12.12.2025****Sarb Alliance Hospitality Pvt. Ltd.****...Petitioner(s)****Vs.****Gurpreet Kaur Sapra****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sanjay Kaushal, Senior Advocate with  
Mr. R.Kartikeya, Advocate  
for the petitioner.

Mr. Saurav Verma, Addl.A.G., Punjab and  
Mr. Manmeet Singh Teji, A.A.G., Punjab.

**NIDHI GUPTA, J.**

The present contempt petition has been filed alleging violation of order dated 20.09.2024 (Annexure P-1) passed in **CWP-27996-2023** titled as "**Sarb Alliance Hospitality Pvt. Ltd. vs. State of Punjab and others**".

2. In compliance of last order dated 13.11.2025, respondent is present in person in Court today.

3. The relevant extract of the order dated 01.10.2025 passed by this Court in the present Contempt Petition, is as under: -

*"The present contempt petition has been filed alleging violation of order dated 20.09.2024 (Annexure P-1) passed by a co-ordinate Bench of this Court in CWP-27996-2023 titled as "Sarb Alliance Hospitality Pvt. Ltd. vs. State of Punjab and*



*others” whereby the writ petition was “disposed of as not pressed” for the following reasons:-*

*‘xxx xxx xxx*

*Learned Sr. Counsel for the petitioner confines his prayer and draws the attention of this Court towards the minutes of the meeting (Annexure R-3) held on 07.05.2024 for development-cum-completion, operation and maintenance of the Circuit House, Amritsar under Public Private Partnership (PPP) mode. He contends that in the said meeting held through video conferencing, the Committee has approved the proposed drawings on the basis of the conditions put forth by the Senior Architect (North) Office of Architecture Department, Punjab vide letter dated 25.08.2023 and subject to certain additional conditions. He contends that notwithstanding the approval of the drawings, the respondents have issued the stamped copy of the old unapproved drawings submitted by him instead of handing over the drawings furnished subsequently and already approved. He thus prays that the corrected and the subsequent drawings submitted by him and as approved in the meeting held on 07.05.2024 be delivered to him, duly stamped by the Competent Authority and in a time bound manner.*

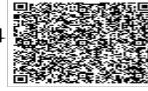
*Learned State Counsel, on instructions from Mr. Manwar, Senior Assistant, Hospitality Department, Punjab submits that the requisite approved drawings as per the decision taken in the meeting held on 07.05.2024 shall be supplied to the petitioner positively within a period of ten days from today.*

*In view of the above statement made by learned State Counsel on instructions from Mr. Manwar, Senior Assistant, Hospitality Department, Punjab, learned Senior Counsel for the petitioner does not press the instant petition any further.*

*The respondent-State shall, however, remain bound to ensure that delivery of the drawings as approved in the meeting held on 07.05.2024, are supplied to the petitioner within the aforesaid period.*

*Disposed of as not pressed.*

*All other misc, application(s), if any, also stand(s) disposed of accordingly.’*



*It is submitted by learned Senior Counsel for the petitioner that despite the above undertaking given on behalf of the respondent-State, the said approved drawings have still not been supplied to the petitioner. It is clarified that initially the petitioner had submitted the plans dated 02.1.2022 for approval, in which certain corrections were made by the respondents, pursuant to which revised plans dated 08.2.2022 were submitted by the petitioner. It is submitted that the said plans were approved by the Chief Architect, Punjab vide order/letter dated 26.4.2022 (Annexure P-9); and further approved in the meeting held on 7.5.2024. The building of the Circuit House, Amritsar has been constructed as per the said approved drawings. The Chief Minister, and Ministers of the State of Punjab now regularly stay there. However, even though the project stands completed, the formal approval of the plans dated 08.2.2022 submitted by the petitioner has not yet been received.*

*Learned counsel for the respondent has submitted that the plans dated 08.2.2022 submitted by the petitioner could not be approved by the Design Approval Committee as the Chief Architect, Punjab vide letter dated 04.10.2024 (Annexure R-2) had forwarded the original plans of 02.1.2022 for approval, and not the plans dated 08.2.2022. However, it is admitted that the said contention of learned counsel for the respondent does not find mention in the Short reply dated 12.5.2025 filed by way of affidavit of Smt. Gauri Parasher Joshi, Secretary to Government of Punjab, Department of General Administration.*

*It is further submitted by learned counsel for the respondent that the petitioner has constructed the building of the Circuit House, Amritsar, which is at variance even with the*



*allegedly approved designs of 08.2.2022. However, again the said contention is not borne out from the abovesaid Short reply filed by the State.*

*It is also submitted by learned counsel for the respondents that the Annual Concession Fee (ACF) has not been paid by the petitioner.*

*This assertion of the respondents is strongly controverted by learned Senior Counsel for the petitioner, who submits that the ACF amount of Rs.One crore and five lacs already stands paid in August 2023, in respect of which compliance certificate has still not been given by the respondents.*

*It is also pointed out by learned Senior Counsel for the petitioner that the variations allegedly incorporated in the building constructed by the petitioner were not mentioned by the respondents before the Writ Court while suffering the order dated 20.09.2024 (Annexure P-1).*

*In this view of the situation, at the oral request of learned Senior Counsel for the petitioner, the Chief Architect, Punjab is made party to the present contempt petition.*

*Let notice of this contempt petition be issued to the Chief Architect, Punjab.*

*Mr. Manmeet Singh Teji, AAG Punjab accepts notice of this contempt petition on behalf of newly impleaded respondent-the Chief Architect, Punjab.*

*The Registry is directed to carry out necessary incorporation in the Memo of Parties at appropriate place.*

*Learned counsel for the respondents further prays for some time to file better reply in the matter.*

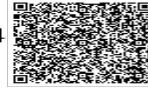
*At his request, adjourned to 13.11.2025.”*



4. Ld. Senior Counsel for the petitioner submits that in flagrant violation of the undertaking given by the respondents before the Writ Court, till date the said revised plans have not been supplied to the petitioner. It is submitted that in fact, the case of the petitioner has been admitted in the short reply dated 26/27.11.2025 by way of Affidavit of Chief Architect, Punjab, wherein, in para 11 it has been mentioned as follows: -

*“11. That in response to the above said letter dated 11.03.2022, the present Petitioner submitted fresh design of the Circuit House, Amritsar on 14.03.2022 annexed as Annexure R-2/7, which was received by the Respondent Office on 18.04.2022. The design sent by the present Petitioner on dated 14.03.2022 were discussed and approved. The approval of the same was sent by answering respondent to the Petitioner, Sarb Alliance Hospitality Private Limited, vide Memo No. CA2022/1145, dated 26.04.2022 is being annexed as Annexure R-2/8.*

*12. That in response to Annexure P-6, the layout plan duly approved by this office included a 6-metre clear driveway around the building to facilitate fire tender movement and provided adequate building setbacks from the boundary wall, as shown in Annexure R-2/9. It is respectfully submitted that the petitioner has been repeatedly mis-stating the facts by submitting different and altered layout plans to various authorities at different points of time through multiple email IDs. However those designs have never been approved/vetted by the Office of the Chief Architect, Punjab, as they do not comply with the applicable building norms and standards.”*



5. It is accordingly prayed that necessary action be taken against the respondents under the Act.

6. Learned counsel for the respondents vehemently opposes submissions on behalf of the petitioner. It is submitted that in fact in the meeting dated 7.5.2024, glaring discrepancies in the execution of the project by the petitioner were discussed and recorded. In this regard, Learned counsel refers to the short reply dated 12.05.2025 by way of Affidavit of Gauri Parasher Joshi, Secretary to the Government of Punjab, Department of General Administration; in specific to the Proceeding Report of the meeting of Design Approval Committee dated 07.05.2024 (Annexure R-1/T) in regard to Development, Completion, Operation & Maintenance of Circuit House, at Amritsar. It is submitted that from the perusal of para 2(i) of the said Proceeding Report (Annexure R-1/T), it is clearly mentioned that as per the Agreement in question, the petitioner had been asked to construct 70 rooms however, the Concessionaire/petitioner has constructed 89 rooms, which is beyond the terms of the Agreement and without the consent of respondents/Authority. Therefore, as the petitioner had failed to adhere to the terms and conditions of the Concession Agreement, the Building Plans were approved while imposing several conditions including that all the additional construction in excess of the provisions of the Concession Agreement shall vest in the Government for all intents and purposes. Furthermore, petitioner had also not completed the project within the stipulated time. Even ACF was paid after a delay of 132 days. Accordingly,



petitioner was asked to deposit the interest amount within 7 days. Furthermore, petitioner was also asked to remove all discrepancies within 30 days and failure to comply would invite penalty of Rs.30,000/- i.e. 0.2% of the Performance Security for each day's delay.

7. It is further submitted that in any event, drawings approved in the meeting held on 07.05.2024 were duly forwarded to the petitioner firstly, on 14.5.2024; and then in compliance of the Writ Court order dated 20.9.2024, the approved drawings were again supplied to the petitioner vide letter dated 04.10.2024 (Annexure R-1/4).

8. Ld. counsel also refers to the reply/ Affidavit dated 28.11.2025 of Ms.Gauri Parashar Joshi, Secretary to the Government of Punjab, Department of General Administration; wherein it is mentioned as under:-

*"7. That it is apposite to mention here that the Petitioner is misstating the facts before this Hon'ble Court. The true facts of the case are that the Petitioner had vide its letter dated 14.03.2022, submitted the designs/drawings to the office of Chief Architect Punjab. Pursuant to the said letter, the office of Chief Architect, vide letter dated 26.04.2022 (Annexure P-6) had granted approval to the design sent by the Petitioner, subject to some conditions. Thereafter, the said approved designs were sent by the office of Chief Architect Punjab vide its letter dated 25.08.2023 to the Office of Director Hospitality. The copy of the same is annexed as Annexure R1/1 (COLLY). It is further humbly submitted that these same designs were presented before the Design Approval Committee in its meeting dated 07.05.2024 and approved by the Committee subject to the conditions mentioned therein*



*such as payment of the penalty for depositing the ACF after due date, the penalty for delay in constructions etc.*

*8. That it is humbly submitted that vide letter dated 14.05.2024 the Answering Department supplied the Petitioner with the proceedings of the meeting dated 07.05.2024, stating that the designs so sent by the office of Chief Architect on 25.08.2023 (Annexure R1/1) were approved by the Design Approval Committee. The copy of the same is annexed as Annexure R1/2. It is further humbly submitted that the Petitioner had duly acknowledged the receipt and had agreed with the conditions so levied in the meeting dated 07.05.2024, vide its email/letter dated 13.06.2024. The copy of the email/letter of acknowledgement is attached herewith as Annexure R1/3.*

*9. That it is further humbly submitted that in compliance of the Order dated 20.09.2024 passed by the Hon'ble High Court in CWP No. 27996 of 2023, the Answering Department had again sent the designs duly signed and stamped as approved by the Design Approval Committee in its meeting dated 07.05.2024. The copy of the letter dated 04.10.2024 of the same is annexed as Annexure R1/4. It is humbly submitted that the Answering Department has already complied with the Order dated 20.09.2024 passed by this Hon'ble High Court.*

*10. That it is further humbly submitted that on 01.10.2025, the Petitioner had made wrong submission that the Petitioner had submitted the plan/designs dated 02.01.2022 for approval, on which certain conditions were imposed, and in pursuance to which the Petitioner had submitted revised plan/designs dated 08.02.2022 and the said plans were approved by Chief Architect vide letter dated 26.04.2022. In fact, no such designs/drawings as alleged by the Petitioner*



*dated 02.01.2022 and 08.02.2022 were ever received by the Answering Department. It is humbly submitted that the Petitioner had submitted the designs vide its letter dated 14.03.2022, which were duly approved, with conditions, by the office of Chief Architect vide letter dated 26.04.2022 (Annexure P-6) and were further approved by the Design Approval Committee in its meeting held on 07.05.2024. Annexure R1/2 and R1/4)."*

9. It is submitted that in actual fact, the petitioner is attempting to convert this Contempt Petition into a Civil Suit. Ld. State Counsel also submits that any alleged loss of revenue being suffered by the petitioner on account of non-grant of certain statutory permissions is not the consequence of any post-writ inaction. It is pointed out that the State has processed and conveyed approvals, subject to contractual conditions and regulatory compliances. Ld. Counsel reiterates that the record also shows that the petitioner:

- a) has constructed 89 rooms as against 70 rooms permitted under the Concession Agreement, leading the Committee to stipulate that any construction in excess of the agreement shall vest in the Government;
- b) has not yet fulfilled all Conditions Precedent, including execution of the Escrow account and submission of the Safety Plan and Procedures, exposing it to contractual penalties; and



c) has defaulted in payment of ACF for subsequent years 2024-25 and 2025-26, despite having paid ACF for 2023-24 after issuance of notice.

10. It is submitted that in this background, the petitioner is misusing the present contempt petition which is being aggressively pressed not to ensure compliance with a limited direction (which has already been complied), but to arm-twist the State into:

- a) recognising the petitioner's preferred revised drawings dated 08.02.2022, irrespective of what the Committee actually approved;
- b) ignoring deviations and contractual breaches; and
- c) effectively diluting conditions imposed by the Design Approval Committee and other statutory authorities.

11. It is contended that the petitioner is, in substance, seeking to reopen and rewrite the Concession Agreement and the Committee's decision, rather than invoking proper remedies. It is prayed that the contempt jurisdiction of this Court under Article 215 and Sections 10-12 of the Contempt of Courts Act may not be converted into a forum for adjudicating complex PPP disputes. It is accordingly prayed that the present Contempt Petition be dismissed.

12. At this stage, it is submitted by learned Senior Counsel for the petitioner that the drawings Annexure R-2/11 given to the petitioner by the respondent did not bear proper stamp or dates et cetera; and



therefore, the respondents be held accountable under the Act. It is contended that the proper plans are not being released to the petitioner only because of the EGO of the respondent.

13. No other argument is raised on behalf of the parties. I have heard learned counsel for the parties and perused the case file in detail.

14. Needless to say, the issues being raised by the parties are disputed questions of fact; and enquiry into the same cannot be conducted by this Court in contempt jurisdiction. Nonetheless, the facts that emerge from the record are as under: -

**14.03.2022:** Petitioner vide its letter dated 14.03.2022 submitted the Designs/Drawings to office of Chief Architect Punjab.

**26.04.2022:** Office of Chief Architect had granted approval to the Design sent by petitioner subject to some conditions.

**25.08.2023:** Approved Designs were sent by office of Chief Architect to the office of Director Hospitality (Annexure R1/1 colly).

**07.05.2024:** Same Designs were presented before Design Approval Committee/DAC and approved by the Committee subject to the conditions mentioned therein. The Design Approval Committee held its meeting on **07.05.2024** under the Chairmanship of Secretary, General Administration Department. The minutes record that the Committee approved the drawings vetted by the Senior Architect (North), Department of Architecture, Punjab, vide letter No. C.A.(N)-2023/1474 dated 25.08.2023, subject to certain conditions regarding: (i) additional rooms constructed beyond 70, (ii) delay in construction completion, (iii)



delay in payment of Annual Concession Fee (ACF), and (iv) non- fulfilment of Conditions Precedent. These minutes are (Annexure R- 1/T.)

**14.05.2024:** On 14.05.2024, immediately after the meeting, the Government of Punjab, Department of General Administration (Protocol Branch), issued memo” No. GAD-POLORESE/39/2020-RVA POL-1-Part(2)/E450998/624 (Annexure R1/2) to the petitioner conveying that the drawings vetted and forwarded by the Senior Architect (North) under letter dated 25.08.2023 stand approved by the Design Approval Committee, and setting out the above conditions in detail. The memo expressly directs the petitioner to comply with these conditions and to deposit the stipulated penalty and interest. (Annexure R-2/11 Chief Architect affidavit).

**13.06.2024:** Vide its own Email/letter dated 13.6.2024 (Annexure R1/3) addressed to the Principal Secretary, General Administration, the petitioner not only acknowledged the receipt of plans, but it “acknowledged and expressed gratitude” for the approval of drawings, referring specifically to the approval letter No. 625 dated 16.05.2024 and confirming deposit of the demanded amount.

**1.10.2024:** Thereafter, on 01.10.2024, the Additional Chief Architect, Punjab, vide memo No. C.A.-2024/4667(Annexure R-2/T - along with short reply dated 12.05.2025), informed the Director, Hospitality Department, that the drawings approved by the Senior Architect (North) vide letter dated 25.08.2023 were being forwarded after verification “for further necessary action”.



**04.10.2024:** In compliance with the Writ Court order dated 20.9.2024 (Annexure P1) in CWP-27996-2023, the Director, Hospitality Department, Punjab, vide letter/ memo No. 5795 dated 4.10.2024 (Annexure R1/4), issued to the petitioner again forwarded the approved drawings of the project dated 25.08.2023 as approved by DAC in its Meeting on 07.05.2024 (Annexures R-3/T and R-4/T along with short reply dated 12.05.2025), both by email and by hard copy. The short reply affidavit dated 12.05.2025 clearly states that the drawings, duly stamped and approved, were sent to the petitioner on 04.10.2024. These were duly received by Sh Angadeep Singh, one of the partners of petitioner firm on the same date, i.e. 04.10.2024.

**10.03.2025:** Present COCP-1774-2025 is filed by the petitioner against.

**02.08.2025:** Rejoinder to the short reply of respondent is filed by the petitioner by way of CM-15385-2025 stating that:

- a) respondent projected wrong and incomplete facts. Only a part of order has been referred in the Affidavit filed by respondent while concealing earlier part.
- b) Old unapproved Drawing have been supplied to allege that order stands complied with.
- c) Maps appended with the said email, are in complete contradistinction to the maps appended with the present Affidavit.

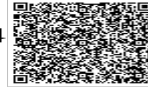
**04.08.2025:** Petitioner submitted before this Court that meeting of concerned authorities was held on 18.07.2025 in which petitioner had also participated and prayed that State be directed to get instruction with



regard to revised drawings whether the designs as approved by Department were given to petitioner.

15. From the above sequence of facts, it is clear that the drawings approved by the respondent in the meeting dated 7.5.2024 have been supplied to the petitioner firstly on 14.5.2024 (Annexure R-1/2), and then again on 4.10.2024 (Annexure R-1/4. (Annexures R-3/T and R-4/T)). This fact has also not been denied by the petitioner. Even the email dated 13.6.2024, written by the petitioner to the respondent acknowledging receipt of the plans and expressing gratitude for approval of the plans, is not denied. The contention of the petitioner that the drawings Annexure R-2/11 do not bear proper stamps and dates, et cetera are misleading as the said Contractual disputes about which drawings ought to have been approved, the correctness of conditions imposed by the Committee, or alleged monetary claims under the Concession Agreement, are all outside the four corners of the original Writ Court order.

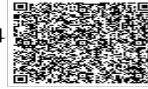
16. At the risk of repetition, it is reiterated that the writ petition was disposed of as “not pressed” after recording the limited statement of the State that approved drawings, as per the decision of the Design Approval Committee meeting dated 07.05.2024, will be supplied to the petitioner within ten days. There is no other operative direction in the writ order. In the present contempt proceedings, therefore, the only justiciable issue is a narrow and objective one as to whether the drawings “as approved in the meeting held on 07.05.2024” have been supplied to the



petitioner. From the facts recorded above, it is clear that even before the present contempt petition was filed (10.03.2025), the State had:

- (a) convened the Design Approval Committee meeting;
- (b) approved the drawings as per the Committee's decision;  
and
- (c) communicated the approval of the drawings to the petitioner by memo dated 14.05.2024 Annexure R-1/2 and forwarded the stamped plans on 04.10.2024 Annexure R-1/4. (Annexures R-3/T and R-4/T).

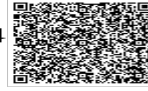
17. In addition, the respondent has filed a detailed affidavit dated 28.11.2025, explaining the entire factual matrix and clarifying that the only drawings ever vetted and approved are those transmitted by the Senior Architect (North) on 25.08.2023 (Annexure R-2/11) and subsequently stamped and dispatched on 14.5.2024/04.10.2024, and reiterating that therefore, the order dated 20.09.2024 stands fully complied with. The Writ Court had not directed the State to approve any particular set of drawings (for example, the drawings dated 08.02.2022), nor did it adjudicate upon the contractual legality of the conditions imposed by the Design Approval Committee. The Writ Court only directed that whatever drawings were approved in the meeting of 07.05.2024 should be supplied to the petitioner. It would appear that the grievance of the petitioner in the present Contempt Petition is that:



- a) drawings dated 08.02.2022, allegedly revised and final, have not been “stamped and delivered”; and
- b) the Design Approval Committee ought to have approved those drawings instead of the earlier set. This is, in substance, a challenge to the correctness of the decision taken by the Committee, and not to the compliance of the order passed by Writ Court. The Writ order does not entitle the petitioner to insist that its preferred drawings must be treated as approved in law; it merely secures delivery of the drawings actually approved by the Committee.

18. However, as the State has shown that the drawings which the Committee in fact approved have been sent to the petitioner, the remit of contempt ends. If the petitioner is aggrieved by which drawings were approved, by the conditions attached (penalties, vesting of additional rooms, insistence on ACF and Conditions Precedent), or by the refusal to approve its later revised drawings, the proper remedy is an independent writ or appropriate contractual proceeding, but not a contempt petition.

19. The order dated 01.10.2025 passed in the present COCP notes the petitioner’s argument that drawings dated 08.02.2022 allegedly approved by the Chief Architect on 26.04.2022, have not yet been formally approved or supplied, and also records submissions from the State’s side regarding the petitioner’s construction being at variance with the approved plans and about non-payment of ACF. In this regard it is clarified from the record that the Petitioner is relying upon letter dated 26.04.2022 by Chief Architect Punjab (Annexure R2/8). However, in this



letter itself the Chief Architect had referred to letter dated 14.03.2022 written by the petitioner to the Chief Architect (Annexure R-2/7); whereby the petitioner had sent the revised designs to the Chief Architect vide said letter dated 14.03.2022; and not on 08.02.2022 as alleged by him. Further, in terms of the order dated 1.10.2025 passed by this Court, the respondent has furnished a fuller, factual and satisfactory explanation by way of the detailed affidavit dated 28.11.2025, clarifying that:

- a) the petitioner's revised drawings dated 08.02.2022 were never finally vetted;
- b) The only drawings ever approved are those transmitted by the Senior Architect (North) on 25.8.2023 and approved in the meeting dated 7.5.2024;
- c) Vide memo dated 14.05.2024 the Committee's approval and the memo dated 04.10.2024 the stamped drawings were forwarded to the petitioner; and
- d) sets out the petitioner's own letter of gratitude dated 13.06.2024 (Annexure R1/3) acknowledging approval.

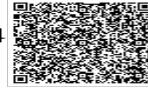
20. In these circumstances, reference may be made to the law as laid down by the Hon'ble Supreme Court to the effect that:

- 1) **Contempt is not a substitute for execution or appeal. In Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332,** the Hon'ble Apex Court held that where the directions of a judgment have been substantially complied with, any



residual grievance must be worked out in appropriate proceedings; contempt jurisdiction is not meant for “enforcement of monetary or other civil rights” when there is bona fide compliance.

- 2) **Wilful and deliberate disobedience must be clearly proved.** In **Kapildeo Prasad Sah v. State of Bihar, (1999) 7 SCC 569**, the Hon’ble Court explained that for civil contempt it must be shown that the disobedience is not merely accidental or due to inability or misunderstanding; if there is any genuine doubt about the scope of the order or if compliance is reasonably arguable, contempt will not lie.
- 3) **Contempt cannot enlarge or vary the original order.** In **Jhaleswar Prasad Paul v. Tarak Nath Ganguly, (2002) 5 SCC 352**, and **Anil Ratan Sarkar v. Hiral Ghosh, (2002) 4 SCC 21**, it has been repeatedly emphasised that the Hon’ble Court, in contempt, may not read into the original order rights or directions which are not expressly granted; a party cannot, under the guise of contempt, obtain substantive relief which it failed to secure in the main proceeding.
- 4) **Standard of proof akin to criminal proceedings.** In **Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1**, the Hon’ble Supreme Court described contempt as a



quasi-criminal jurisdiction where findings of guilt must rest on clear, cogent and unimpeachable evidence of wilful disobedience.

21. Thus, keeping in view the above noted factual and legal aspect, present Contempt Petition is hereby **dismissed**.

22. **Rule stands discharged.**

23. Pending applications, if any, stand disposed of.

**12.12.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No