



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(234)

CWP NO.11001 of 2022
DATE OF DECISION: 05.09.2024

Dr.Surabhi Modi SahaiPetitioner

VERSUS

U.T, Chandigarh and anotherRespondents

CORAM HON’BLE MR. JUSTICE VINOD S. BHARDWAJ

Present Mr.Shivam Grover, Advocate,
 for the petitioner.

 Mr.Arav Gupta, Advocate,
 for respondent no.1.

 Mr. Ajay Pal Singh, Advocate
 for respondent no.2. (through VC).

VINOD S. BHARDWAJ, J (ORAL)

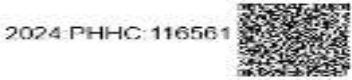
1. Prayer in the present petition is for issuance of mandamus to respondent no.1 to address the complaint made by the petitioner against respondent no.2 as non redressal of the same is a violation of her rights and a further direction was sought against respondent no.2 to constitute an Internal Complaints Committee as provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013 (hereinafter referred to as‘POSH Act, 2013).
2. The petitioner, who is a Director and Chief Executive Officer of M/s Possible Education Pvt. Ltd is a lady entrepreneur, educator and an academician. She was a guest at respondent no.2 J.W.Marriot, Chandigarh on 12.09.2021 and staying in room no.655. During her stay at the hotel, she visited the gymnasium at around 08:30 am for conducting her exercise when she was followed by another guest namely Mr.Pahwa. It is alleged that she was being stalked by him and hence was intimidated by the presence of Mr.Pahwa, who



worked in M/s Proctor and Gamble and that he stepped on the Yoga mat on which the petitioner was conducting exercise and also passed by her on various occasions. A complaint under the POSH Act, 2013 was accordingly submitted with the respondent no.2 J.W.Marriot but no action was taken thereupon. She claims to have sought the CCTV footage from the respondents but no cooperation was extended by respondent no.2. Hence, the present petition.

3. Reply had been filed by the U.T, Chandigarh by way of affidavit of Sh.Charanjit Singh Virk, DSP (South West), UT, Chandigarh, wherein it is averred that an inquiry on the complaint submitted by the petitioner was duly conducted and a detailed report was filed. The name of the person against whom the allegations of sexual harassment was alleged was one Mr. Pahwa from M/s Proctor and Gamble Ltd. (as has also been stated by the petitioner in her petition as well as complaint) and on perusal of the CCTV footage as well as the CDRs and other contemporaneous evidence, it transpires that the said guest stepped on the yoga mat accidentally and the same was not malicious or mischievous. It was also noticed that even though he was seen passing by the complainant and also performing exercise near her but there was neither any interaction nor any objectionable act or conduct of the suspect noticed in the footage. The enquiry report was presented to the higher authorities by the police and they confirmed the same whereupon it was ordered to be filed.

4. Counsel for the petitioner fairly submits that since the suspect was himself a guest, hence, not being employee of respondent no.2 he was not amenable to inquiry / investigation by an Internal Complaints Committee under the POSH Act,2013. This would thus not be a case of sexual harassment at work place *prima facie*. He does not press the instant petition at this stage and



seeks withdrawal thereof so as to take recourse to his alternative remedy, as per law.

- 5. Said prayer is not opposed by the respondents.
- 6. Disposed of as withdrawn with liberty as aforesaid.

05.09.2024
mamta

(VINOD S. BHARDWAJ)
JUDGE

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