

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, ERNAKULAM

Dated this the 16th day of September, 2025

Filed on: 16. 09. 2022

PRESENT

Shri. D.B. Binu
Shri. V. Ramachandran
Smt. Sreevidhia T.N

Hon'ble President
Hon'ble Member
Hon'ble Member

CC.No. 416 of 2022

COMPLAINANT:

Sreekanth Indukkaparakkal, Shreeshylam House, Parambil P.O,
Kuruvattur(Village), Kozhikode, Pin-673012.

VS

OPPOSITE PARTIES:

1. Manager/ Person in charge, PVR Cinemas-Lulu Mall, Old NH-47, Edappally Jn, Nethaji Nagar, Edappally, Kochi-682024.

2. Ajay Bijli, Chairman & Managing Director, PVR Ltd-61 Basant Lok, Vasant Vihar, New Delhi-110057.

(Adv. K.S.Arundas, Ambily Joshy, Anamika, Advocates, 35&36, 1st Floor, DD Oceano Mall, Near Taj Gate Way Hotel, Marine Drive, Ernakulam, Cochin-31 for ops.)

FINAL ORDER

D.B. Binu, President:

1. A brief statement of facts of this complaint is as stated below:

The complaint was filed under Section 35 of the Consumer Protection Act, 2019. The complainant booked tickets on 21.04.2022 for the movie KGF Chapter-2 (Malayalam) for the 7:30 p.m. show at Audi 4, PVR Cinemas, Lulu Mall,

Edappally, Ernakulam, through the “Ticket-New” online ticket-booking application under Booking ID 14246814/189757030. The complainant states that, as per the policy published by PVR Cinemas, carrying outside food, water, and beverages into the theatre is prohibited. During the interval, the complainant purchased refreshments from the in-house counters of PVR Cinemas—namely, one Regular Salted Popcorn (90 g) and one Spicy Chicken Burger (255 g)—for a total of ₹450/- inclusive of GST (₹250 and ₹200 respectively).

The complainant alleges that, by enforcing a ban on outside consumables while confining patrons within the theatre premises, PVR Cinemas compels consumers to purchase food and beverages exclusively from its outlets at allegedly excessive prices, leaving no practical alternative or competitive choice. The opposite parties are described as (i) PVR Cinemas, Lulu Mall, Edappally, and (ii) the “Ticket-New” online booking platform. The present complaint seeks redress for the alleged conduct and the associated hardship and inconvenience suffered by the complainant.

2. NOTICE:

The Commission issued notice to the opposite parties on 24.09.2022. In response, the opposite parties entered an appearance and filed their written version.

3. THE VERSIONS OF THE OPPOSITE PARTIES:

The complaint filed by the complainant under Section 12 of the Consumer Protection Act, 1986, is not maintainable since that statute stands repealed by the Consumer Protection Act, 2019. They deny all allegations of deficiency in service, negligence, unfair trade practice, restrictive trade practice, or monopolistic

conduct, and assert that the complainant has produced no evidence to support such claims. On merits, they state PVR operates lawfully and provides free RO-filtered drinking water at the multiplex. The patrons are not compelled to purchase food or beverages; they may simply refrain from buying or choose to visit another cinema. The prohibition on outside eatables is a standard and reasonable condition of entry—comparable to rules at amusement parks, stadiums, and theatres—grounded in safety, security, hygiene, and operational concerns (including limited turnaround time, the absence of airport-level screening, and risks such as alcohol, contraband, or inflammables). They rely on the *Hon'ble Supreme Court's interim stay dated 18.07.2018 (SLP (C) No. 27970/2018) of the Jammu & Kashmir High Court* decision permitting outside food, and on *Multiplex Association of India v. State of J&K & Ors.* They term the complaint misconceived and mala fide, deny that any cause of action arose on 21.04.2022, and pray for dismissal with costs.

4. EVIDENCE:

The complainant did not file a proof affidavit but produced three documents along with the complaint.

- Copy of Online Ticket
- The printed copy of the policy statement published on the website of PVR Cinemas.
- Copy of GST Invoice No.0059915.

On the other side opposite parties filed a Proof affidavit and produced three documents, which were marked as **Ext.B1 to B3**.

Ext.B1 –Certified true copy of the interim order dated 18.07.2018 in SLP (Civil) No. 27970 of 2018, passed by the Hon’ble Supreme Court of India.

Ext.B2 - Copy of Photograph

Ext.B3 - Copy of Photograph

5. POINTS FOR CONSIDERATION:

- i) Whether there is any deficiency in service or unfair trade practice by the opposite parties?
- ii) If so, whether the complainant is entitled to any relief?
- iii) Costs of the proceedings, if any?

6. HEARING NOTE FILED BY OPPOSITE PARTIES:

a. The complaint, filed under Section 12 of the Consumer Protection Act, 1986 (since repealed by the Consumer Protection Act, 2019), is not maintainable in law or on facts. There is no negligence, deficiency in service, or unfair trade practice attributable to the opposite parties. The alleged cause of action of 21.04.2022 does not cure the defect of filing under a repealed statute; the complaint is liable to be dismissed in limine.

b. The complainant’s assertion that patrons are never allowed to carry water purchased from third parties is denied. RO-filtered drinking water is provided free of cost to all patrons within the multiplex premises.

c. The allegation that patrons are confined and forced to purchase food, water, or beverages at excessive prices is denied. Patrons are not compelled to purchase any food or beverage; they may refrain from buying, or exit to the

adjacent food court managed by Lulu to obtain alternatives before/after the show, subject to entry rules and show timings.

d. Permitting outside eatables would adversely affect safety, security, hygiene, and operations (limited turnaround time and absence of airport-level screening), and heighten risks of alcohol/substance abuse or carriage of inflammables/explosives. These are legitimate, reasonable entry conditions comparable to those at amusement parks, stadiums, drama theatres, circuses, clubs, and restaurants.

e. The allegations of restrictive trade practice, unfair trade practice, or violation of Article 21 are baseless. Patrons attend primarily to watch films; F&B is ancillary. There is no compulsion to purchase, nor any infringement of constitutional rights.

f. opposite parties rely on the interim order of the ***Hon'ble Supreme Court dated 18.07.2018 in SLP (C) No. 27970/2018 (filed as Ext.B1)***, staying the J&K High Court's view on carrying outside food. Further, the ***Hon'ble Supreme Court's judgment dated 03.01.2023 in Civil Appeal No. 77 of 2023 (arising out of SLP (C) No. 20784/2018)—K.C. Cinema v. State of J&K & Ors.***—upholds the right of cinema theatres/multiplexes to prohibit bringing in outside food and beverages and holds that such restriction is not unfair, unreasonable, or unconscionable.

The Commission has meticulously perused the documents produced by the complainant and the written version as well as the written argument notes filed by the opposite parties. It is further observed that the complainant did not file a proof affidavit or written argument notes despite being afforded sufficient opportunity.

7. The issues mentioned above are considered together and answered as follows:

After examining the record, the Commission notes that the complainant failed to file a proof affidavit or comply with procedural requirements under the Consumer Protection Act, 2019. Despite repeated opportunities—including after 17.12.2022—no evidence was produced. On 03.08.2023, the Commission directed the Registry to notify the complainant to appear; the Registry telephonically apprised the complainant of the required appearance and next steps. Notwithstanding this intimation, the complainant remained absent and did not place any evidence on record. The Commission expresses its displeasure at the complainant's indifference to the process of law; such conduct undermines the orderly administration of consumer justice. In these circumstances, the matter must be decided on the material available on record. The burden to establish deficiency in service rests upon the complainant: ***SGS India Ltd. v. Dolphin International Ltd., (AIR 2021 SC 4849)***.

A. Deficiency in service.

“Deficiency” denotes any fault, imperfection, shortcoming or inadequacy in the quality, nature, or manner of performance required by law or undertaken by contract. On the present record (with none from the complainant), there is no reliable material to show that the services of the opposite parties fell below statutory or contractual standards. Held: Not proved.

B. Unfair/Restrictive trade practice.

No advertisement, representation, or deceptive practice is pleaded or proved. The policy restricting outside eatables is disclosed and uniformly applied.

The *Hon'ble Supreme Court in K.C. Cinema v. State of J&K & Ors.*, Civil Appeal No. 77 of 2023, decided on 03.01.2023, has upheld cinema proprietors' right to regulate entry conditions, including prohibiting outside food and beverages, while ensuring access to free potable water and reasonable accommodation for infants/special medical needs. The earlier contrary view of the *High Court of J&K stood stayed by the Supreme Court's interim order dated 18.07.2018 in SLP (C) No. 27970/2018 (Ext.B1)*. The complaint's core premise therefore, runs contrary to binding precedent.

In the written version filed by the Opposite Parties before this Commission, they specifically contended that they have never obstructed customers from bringing drinking-water bottles inside the theatre. They further affirmed that RO-filtered drinking water is provided, free of cost, to all customers within the multiplex premises. To substantiate this, the Opposite Parties produced photographs evidencing the facility, which were marked as **Exhibit B3 series**.

The Commission records the aforesaid statement as the undertaking of the Opposite Parties that RO-filtered drinking water shall be made available, free of cost, to all customers within the multiplex premises.

Accordingly, the Opposite Parties are hereby directed to strictly comply with their undertaking and ensure the uninterrupted availability of RO-filtered drinking water to all customers during business hours within the premises. The facility shall be maintained in a clean and hygienic condition, and conspicuous notice boards shall be displayed at appropriate places within the multiplex premises informing customers of the availability of free RO-filtered drinking water, in the interest of consumers.

All issues are answered against the complainant. No deficiency in service or unfair/restrictive trade practice is established.

ORDER

1. The complaint fails on the merits and is hereby dismissed.
2. No order as to costs.

Pronounced in the Open Commission on this the 16th day of September, 2025.

Sd/-D.B. Binu, President
Sd/-V. Ramachandran Member
Sd/-Sreevidhia T.N, Member
 Forwarded/By Order

Assistant Registrar

APPENDIX

Complainant's Evidence:Nil

Opposite parties' Evidence:

Ext.B1 - Certified true copy of the interim order dated 18.07.2018 in SLP (Civil) No. 27970 of 2018, passed by the Hon'ble Supreme Court of India.

Ext.B2 - Copy of Photograph

Ext.B3 - Copy of Photograph

Date of Despatch

By Hand::

By post::

BR/