

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION AT BANGALORE (URBAN)**

DATED 15th DAY OF FEBRUARY 2025


PRESENT:-

SMT.M.SHOBHA : **PRESIDENT**
B.Sc., LL.B.
SMT.K.ANITA SHIVAKUMAR : **MEMBER**
M.S.W, LL.B., PGDCLP
SMT.SUMA ANIL KUMAR : **MEMBER**
BA, LL.B., IWIL-IIMB

COMPLAINT No.14/2024

COMPLAINANT	1	
		(Adv: Anudeep. L. Jain)
Vs		
OPPOSITE PARTY	1	PVR Cinemas, Orion Mall, 3 rd Floor, Dr. Rajkumar Road, Malleshwaram East, Bangalore-560026, Rep by its Manager, (Adv. Anisha Aatresh)
	2	Big Tree Entertainment Pvt Ltd., Ground Floor, Wajeda House,



		Gulmohar Cross Road No.7, Juhu Scheme, Mumbai, Maharashtra-400049. Rep by its Managing Director, (Adv. Mohumed Sadiqh. B. A)
	3	PVR Inox Ltd., 7 th Floor, Lotus Grandeur Building, Veera Desai Road, Opp. Gundecha Symphony, Andheri (W), Mumbai-400052. Rep by its managing Director, (Adv. Anisha Aatresh)

ORDER

SMT. K. ANITA SHIVAKUMAR, MEMBER

1. Complaint filed under section 35 of Consumer protection Act 2019, is hereby seeking direction to OP.1 to OP.3 to cease and desist from playing advertisements beyond the show time as mentioned in the tickets, compensatory damages of Rs.50,000/- for unfair trade practice practiced by OPs and wasting the time of complainant, to pay sum of Rs.5,000/- for mental agony, to pay cost of Rs.10,000/- filing this complaint and such other reliefs.

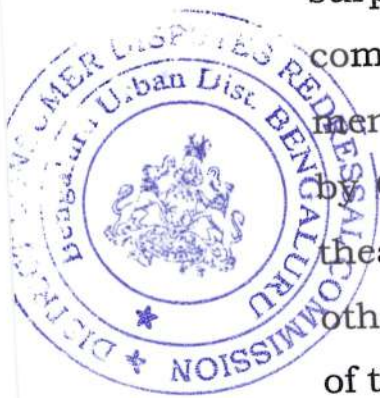
2. Brief facts of this case are as follows:-

Complainant submits that he booked 3 tickets for the movie "Sam Bahadur" on 26/12/2023 for the

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show commences at 4:05 pm at the venue of OP.1 for him and his family members by paying the sum of Rs.825.66/- on the platform of OP.2 i.e, bookmyshow.com. As per the schedule, the movie ends by 6:30 pm as the duration of the said movie was 02 hours 25 mins. After the movie the complainant planned to return to his work by 6:30 pm. With that intention, complainant booked 3 tickets at OP.2 platform for the said movie. Complainant stated that he and his family entered the screen (Audi-11) at the venue of OP.1 at 4:00 pm on 26/12/2023. They were seated inside Audi-11 movie screen in time. OP.1 began to telecast advertisements of the companies, trailers of movies between 04:05 pm and 04:28 pm.

3. Complainant further stated that to the utter surprise of the complainant the feature movie commenced at 04:30 pm despite the show timing mentioned at 04:05 pm in the movie ticket, provided by OP.2. From 04:05 pm to 04:30 pm, OP.1 movie theatre played only trailers, advertisements and other fillers which wasted nearly 30 mins of the time of the complainant along with the other viewers. Due to delay caused by OPs, complainant could not attend other arrangements and appointments which were scheduled for the day, has faced losses which

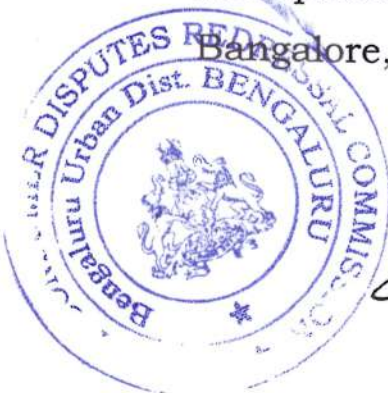


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cannot be calculated in terms of money as a compensation. Complainant alleged that OPs 1 to 3 have caused deficiency of service by delayed telecast of movie, beyond the scheduled time, wasted the precious time of the complainant and other viewers which is clearly within the meaning of unfair trade practice as they wrongly communicated the show timings to take undue advantage by playing advertisements despite paying considerable sum to OPs at their cost. Hence, complainant approached this commission for above seeking directions and compensation.

4. OPs 1 and 3 appeared through its counsel filed their statement of objections along with 1 document. OP.2 also filed statement of objections filed through its counsel with 3 documents.

5. In the version, OP.3 stated that it is a public company limited existing under the provision of the Companies Act 2013 was established in 1995, it is engaged in the business of film exhibition in various formats including Mainstream, Gold Class Cinemas and Directors Cut. OP.3 is having pioneered the Multiplex revolution. OP.1 is one of the many multiplexes of OP.3 which is situated at Orion Mall Bangalore, OP.1 and OP.3 denied the allegations and

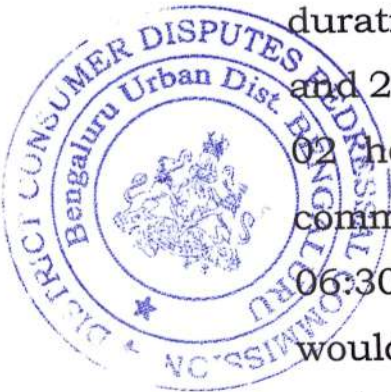


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claims of the complainant which are not maintainable in law or in facts.

6. In its version, it is further stated that OP.3 is obligated under the law to screen certain Public Service Announcement (PSA) in the form of short films and documentaries provided by the Central Government or State Government from time to time. The main objective of such announcement was to spread the awareness amongst the citizens about the important social issue such as Education and Literacy, Social problems, Agriculture and Rural development, Women welfare etc. These public service announcements are screened during prime time, prior to screening of any movie, when the audience are seated inside the theatre.

7. OP.1 and OP.3 denied in their version that the duration of the film "Sam Bahadur" was 02 hours and 25 mins. The duration of the film is 150 mins i.e, 02 hours and 30 mins. Therefore, if the movie, commences at 04:05 pm could not have concluded at 06:30 pm as expected by the complainant and he would return to work at 06:30 pm was unreasonable and illogical as well. They also stated that OP.1 and OP.3 have a strict policies for its audience members particularly in connection with the entry and exit from the movie theatre. This policy are solely in the



interest of safety and security of the audience members themselves. And as such, may result in slight delay in start and conclusion of movie. OP.1 and OP.3 strictly prohibited videotaping or recording the films telecasted in their theatres, in order to protect copy right. As such action of complainant in videotaping the films on his personal device without the knowledge of OP.1 to OP.3 is illegal. OP.1 and OP.3 stated that the complainant himself is contradictory to his statements made in the complaint that he alleges that the advertisements and trailers were telecasted from 04:05 pm to 04:28 pm. On the other hand he alleges that telecasted from 04:05 pm to 04:30 pm. Therefore, OP.1 and OP.3 denied the allegations against them for not attending his appointments and faced losses. OP.1 and OP.3 also denies the deficiency of service and unfair trade practice on the ground that complainant is taking undue advantage and filed this complaint with mala fide intention. Hence, prays to dismiss the complaint with exemplary cost.

8 OP.2 stated in it's version that the complainant has filed false baseless allegations in his complaint which clearly shows his malafide intention behind filing this complaint. The main allegation in the complaint is against OP.3 that the movie



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commenced at 04:30 pm instead of 04:05 pm in OP.1 theatre, played only trailers and advertisements which wasted nearly 30 mins of his time OP.2 has nothing to do with this. The scope and objective of OP.2 was limited and restricted to online booking of tickets only, it doesn't have any control over the management and time maintenance of movie / show. OP.2 is not service provider here, OP.1 is running a movie theatre, OP.2 merely acts as intermediary of OP.1 for booking tickets on its behalf.

9. OP.2 admitted that complainant booked 3 tickets on 26/12/2023 for the movie "Sam Bahadur". Hence, there is no deficiency of service on the part of OP.2 and not indulged in any unfair trade practice as complainant alleged. Therefore, OP.2 prays to dismiss the complaint with cost.

10. At this stage, complainant lead evidence by way of affidavit, reiterated as stated in the complainant. In support to the affidavit evidence, complainant filed 4 documents including certificate under section 65 B of Indian Evidence Act which are marked as Ex.P.1 to Ex.P.4. One Karthik, Cinema Manager is authorized to lead evidence on behalf of OP.1 and OP.3 accordingly authorized person filed affidavit evidence with 5 documents with certificate



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under section 65 B Indian Evidence Act which are Ex.R.1 to Ex.R.6. He also lead additional evidence by filing affidavit.

11. Miss Pooja Mitra is authorized by OP.2 to lead evidence on its behalf by filing affidavit evidence. Both parties filed their written arguments and submitted their arguments elaborately. Perused the materials on record and to proceed to pass the appropriate order on merits.

12. On the basis of above pleadings for our consideration are as follows:-

- i) Whether the complainant has proved the deficiency of service and unfair trade practice by OPs?
- ii) Whether complainant is entitled for the relief?
- iii) What order?

13. Our answers to the above points are as follows:-

Point No.1:- Affirmative.

Point No.2:- Partly Affirmative.

Point No.3:- As per the final order.

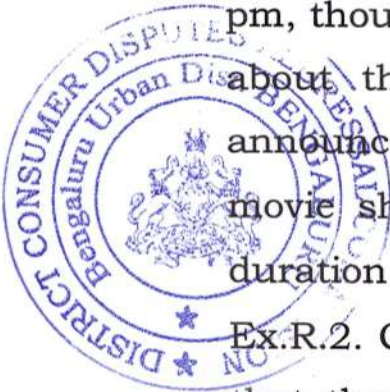
REASONS

14. **Point No.1 and 2:** These points are inter-connected to each other and for the sake of convenience, to avoid repetition of facts, these points are taken up together for common discussion.



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15. On perusal of the pleadings evidence and written arguments filed by complainant and the OPs, it is undisputed that complainant has booked the ticket for watching "Sam Bahadur" movie on 26/12/2023 at OP.1 cinema hall. He paid Rs.825.66/- for 3 person through OP.2 platform. Complainant's main allegation is against OP.1 and 3 that they played commercial advertisements before the announcement of movie show which was supposed to commence at 04:05 pm and ends at 06:30 pm. Complainant alleged that instead of commencement of the movie 04:05 pm, which is at Ex.P.1. OP.1 telecasted commercial advertisements about 25 mins which caused him inconvenience to attend further assignment at 06:30 pm, though OPs denied the allegations of the complainant about the advertisements telecast prior to the movie announcement and they also denied about the timings of movie show which is 150 mins duration. To prove the duration of 150 mins, OP.1 to OP.3 produced document at Ex.R.2. Considering the contention taken by OPs 1 and 3 that they are obligated under the law to screen certain public service announcement in the form of short films and documentaries provided by Central Government and State Government from time to time. The main objective of such announcement which creating the awareness amongst the public educating the people about the social problems, health and hygiene, welfare schemes of government etc.



This is acceptable by everyone and seems to be essential to create the awareness among the people, OP.1 and OP.3 have to follow the laws and regulations, acceptable. The complainant's complaint is against commercial advertisements telecasted continuously for a 25 mins except the last 2 advertisements with regard to the Swadesh Foundation and the advertisement on usage of Sanitary Napkins by Government of India.

16. It is pertinent to note that complainant has produced CD recorded in the aforementioned theatre to prove the allegations against the OPs. After perusal of CD, at Ex.P.4 complainant has rightly quoted the advertisements and its names in his affidavit evidence. Out of 17 Ads, 1 with regard to the Swadesh Foundation about their projects in welfare schemes, another is about health and hygiene of the women folk which are the public service announcements as per the guidelines. Per contra OP.1 and OP.3 have produced screenshots of public service announcements which are supposed to telecast prior to the movie show which are at Ex.R.5 but it is not proved the same advertisements have telecasted on the day of complainant's visit to watch the movie. At the same time we can observe that complainant has taken video graph in the theater continuously telecasted commercial advertisements as he mentioned in the affidavit. Hence, he proved that OP.1 have telecasted many of the commercial



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advertisements instead of public service announcements which are supposed to telecast mandatorily. OP.1 and OP.3 have produced office memorandum issued by Ministry of Information and Broadcasting Government of India which is at R.3 with guidelines for exhibition of Public Service Awareness (PSA) films in cinema theatre dated 13/11/2023.

17. Mandatory screening of PSA films / Approved films: it is mandatory for all film exhibitors / theatre owners / Digital Cinema Service Providers / Agencies / licensee applicants to screen the PSA films / Approved films in their cinema theatres. These are prescribed under section 1 (4) of Cinematograph Act, 1952 and the extant provisions of the relevant States Acts dealing with exhibition of films in the State, and in the light of the Judgement of the Hon'ble Supreme Court dated 15.07.1999 in Civil Appeal No.3766-67 of 1999 arising out of SLP © No.s 4620-4621 of 1996 of UOI Vs MPA (Reference No.1).

18. Duration of PSA Films: Earlier PSA films / Approved films were screened in the cinema theatres up to 15 to 20 minutes or 1/5th of total duration of the feature films, which was also taken cognizance by the Hon'ble Supreme Court in their judgment under Reference No.1. The duration of screening of the Approved Films / PSA Films as of now has been reduced "up to 2 minutes." Additionally, State Governments may further provide PSA films having a



duration of up to 2 minutes to be screened in the cinema theatres. The PSA films of the Central Government and the State Governments shall be screened within 10 minutes before the beginning of the film and during the interval period before the start of the second half of the movie package.

19. Screening spots of the PSA Films: *The PSA Films/ Approved films may be screened during the 10 minutes pre-show period before the start of the movie package and the last 5 minutes of the interval period before the start of second half of the movie package from the Prime Screen time (PST).*

20. As per the guidelines the duration of PSA films by Central Government and State Governments is mentioned and given maximum of 10 mins before the beginning of the film. After perusal of the CD, we are of the opinion that the allegation of the complainant is not false, he rightly brought the issue to the notice of the commission authority to bring change in the system of cinema theatres.

21. It is important to discuss here about the duration of advertisement for the period of 25-30 mins is essential or not? In the said period, theatre managements has followed the guidelines of Ministry of Information and Broadcasting to exhibit PSA's before commencement of the movie or not? Here we can observe that OP.1 has telecasted, advertisements not related to PSA's for 10 mins



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as per the guidelines. Out of 25 mins except 1 min / 2 advertisements related to PSA exhibited commercial advertisements from which OP.1 and OP.3 can get monetary benefit. Though there is a government order for exhibiting 10 mins of PSA and welfare schemes of Central Government and State Government, OP.1 violated the same on the day which complainant is alleging. OP.1 and OP.3 has taken stand that they have strict policies for its audience members particularly in connection with the entry and exit in movie theatre. Considering the same, some people may get late entry to theatre hall, some may arrive early. It is not in the hands of theatre management but one has to concentrate on the time of commencement of the movie which is scheduled and mentioned in the ticket. Ex.P.1 is a ticket booking of complainant booked by OP.2 mentioned that the "Sam Bahadur" movie starts at 04:05 pm. In our observation the movie must starts at 04:05 pm as scheduled and mentioned in the ticket not beyond that. Theatre management can telecast advertisements prior to the 04:05 pm following the guidelines and as well as commercial advertisements as per their discretion but the violation of the guidelines on the cost of viewers is unjust and unfair. Many times viewers will rush to the theatre in a hurry and also on the road they may face the road disturbances may lead some unwelcomed incidents while reaching to theatre, Only on



the reason that they are supposed to sit for watching movie at the time they mentioned in the ticket. The viewers who seated early in the theatre watches advertisements silently till the scheduled time. Taking beyond the scheduled time for the purpose of telecasting the advertisements that too commercial advertisements, is unjust and unfair. On the cost viewers apart from the monetary gain from the commencement to telecast the advertisements, OP.1 and OP.3 should concentrate to telecast the commercial advertisements as well as PSA as per the guidelines in the intermission of the movie. In our view OPs 1 and 3 can telecast only PSA's 10 mins prior of the movie as per the guidelines.

22. In the new era, time is considered as money, each one's time is very precious, no one has right to gain benefit out of others time and money. 25-30 is not less to sit idle in the theatre and watch whatever the theatre telecasts. It is very hard for busy people with tight schedule watching unnecessary advertisements. However, they make their own arrangements to get some relaxation with family is not mean that people have no other work to do. Anyhow complainant with the keen interest and went some inconvenience out of this movie, brought this issue to get some relief to the public at large. Watching movie gives some relaxation to the mind, should not become stress to forthcoming assignment with frustration, complainant



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decided to file this complaint to bring change and recorded the advertisements they telecasted at the theatre to prove his case, he has not recorded video of a movie "Sam Bahadur". Hence it is not illegal as the OP.1 and OP.3 contends.

23. By producing CD at Ex.P.4 complainant proved OP.1 exhibited 95% of the commercial Ads before the movie which is not required for all viewers. Complainant has proved the deficiency of service and also OP.1 and OP.3 are indulging in unfair trade practice which is questionable by the consumer as it is his right. In our considered view, it is an issue raised by the complainant with good cause and many viewers might have faced the same issue on that day. But complainant is only person, filed this case & opened the eyes of movie viewers. Therefore, this commission is directing OP to stop such violations of order passed by Ministry of Information and Broadcasting, that the OPs are intend to generate the money by way of sliding commercial advertisements but not at the cost of viewers taken into consideration seriously thinking that it is public cause. Hence, OP.1 and OP.3 are liable to compensate the loss incurred by complainant and other viewers at large, for which they are liable to penalized by way of imposing punitive damages as envisaged under section 39 (1) (g) of Consumer Protection Act, 2019. Since OP.2 is a ticket booking platform through website is not have any control



over the maintaining a time, telecasting advertisements in the theatre screen. Hence, OP.2 is not liable to pay any claims in the complaint. In view of the above observation and discussion we answer point 1 and 2 is Affirmative and Partly Affirmative respectfully.

24. Point No.3: In view of the discussion referred above, we proceed to pass the following:-

:ORDER:

1. Complainant filed this complaint under section 35 of Consumer Protection Act 2019, is allowed in part against OP.1 and 3, and dismissed as against OP.2.
2. OP.1 and 3 are directed to mention actual movie time on the cinema tickets to be issued to the public at large.
3. To stop or not to repeat unfair trade practice as mentioned under section 39 (1) (g) of Consumer Protection Act, 2019 by following the guidelines, not to exhibit advertisements beyond the scheduled show time mentioned in the ticket.
4. OP.1 and OP.3 shall pay Rs.20,000/- to the complainant for causing mental agony and the inconvenience through unfair trade practice to pay Rs.8,000/- towards cost of litigation.
5. OP.1 and 3 further directed to pay Rs.1,00,000/- towards punitive damages under section 39 (1) (g) Consumer Protection Act, 2019 to be deposited to the consumer welfare fund.




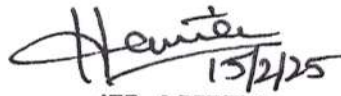
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6. The above award amount shall pay within 30 days from the date of order, failing which OP.1 and 3 shall pay interest at the rate of 10% per annum from the date of complaint till realization.
7. Furnish the copy of this order and return the extra pleadings and documents to the parties.

(Dictated to the Stenographer, got it transcribed and corrected, pronounced in the Open Commission on this 15TH day of FEBRUARY 2025)


15/2/25
(SUMA ANIL
KUMAR)
MEMBER


15/2/25
(K.ANITA
SHIVAKUMAR)
MEMBER


15/2
(M.SHOBHA)
PRESIDENT

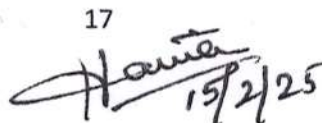
Documents produced by the Complainant-P.W.1 are as follows:

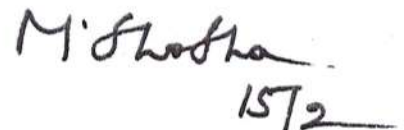
1.	Ex.P.1	Copy of Email dated:27.12.2023.
2.	Ex.P.2	Copy of booking ID:WRP29ZC.
3.	Ex.P.3	Copy of Invoice dated:26.12.2023.
4.	Ex.P.4	Copy of CD.

Documents produced by the representative of opposite party - R.W.1;

1.	Ex.R.1	Certified true copy of the resolution passed at the second board meeting of PVR limited of calendar year 2021 held on Wednesday, the 2 nd day of
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Complaint filed on:06.01.2024
Disposed on:15.02.2025

		June 2021 at 9, Palam marg, Vasant Vihar, New Delhi-110057.
2.	Ex.R.2	Copy of Central Board of Film Certification.
3.	Ex.R.3	Copy of office memorandum dated:30.11.2023.
4.	Ex.R.4	Copy of Authorization letter dated:26.02.2024.
5.	Ex.R.5	Copy of Photographs.
6.	Ex.R.6	Affidavit under section 65B of the Evidence Act,1872.

Suma Anil
15/2/25
(SUMA ANIL
KUMAR)
MEMBER

Hanuman
15/2/25
(K.ANITA
SHIVAKUMAR)
MEMBER

M. Shobha
15/2
(M.SHOBHA)
PRESIDENT



Certified to be True Copy (free)

Free
17/02/25
Asst. Registrar-cum-
Asst. Administrative Officer,
District Consumer Disputes
Redressal Commission,
Bangalore Urban District,
Bangalore.
Order sent by post/hand
Dated:.....