



CIVIL

# No Outside Snacks, But Free Water Flows: PVR Wins Consumer Case

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## Introduction

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The District Consumer Disputes Redressal Commission, Ernakulam, recently issued a significant ruling in *Sreekanth Indukkaparakkal v. PVR Cinemas & Ors.*<sup>1</sup>, concerning a consumer complaint against PVR Cinemas over its policy restricting the entry of outside food and beverages into multiplex premises. The complainant argued that such a restriction constituted an unfair trade practice, as it effectively compelled customers to purchase costly food items sold within the theatre.

The Commission, however, dismissed the complaint, holding that cinema operators are entitled to impose reasonable conditions of entry, including restrictions on outside food. At the same time, it emphasized that such policies must be balanced with consumer welfare, requiring theatres to provide free drinking water and make appropriate accommodations for individuals with specific needs.

## Background of the Case

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On 21 April 2022, the complainant, Sreekanth Indukkaparakkal, booked movie tickets through the Ticket-New app to watch *KGF Chapter 2* at PVR Cinemas located in Lulu Mall Kochi. In accordance with the cinema's policy, patrons were not allowed to carry outside food or beverages into the premises.

During the interval, the complainant purchased refreshments from the theatre's in-house counters, including a regular salted popcorn (90 g) and a spicy chicken burger (255 g), for a total amount of ₹450 (inclusive of GST).

He contended that the prohibition on bringing outside food, coupled with the lack of alternative options, effectively forced him and other customers to purchase food items at inflated prices within the multiplex. According to him, this practice amounted to an unfair trade practice and created a monopolistic situation that limited consumer choice. Consequently, he filed a complaint before the District Consumer Commission under the Consumer Protection Act, 2019, seeking relief for the alleged grievance arising from the cinema's food and beverage policy.

## Court's Issues

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The District Consumer Commission identified three principal issues for adjudication:

1. Whether the restriction imposed by PVR Cinemas on carrying outside food, along with the pricing of in-house refreshments, amounted to a deficiency in service or constituted an unfair or restrictive trade practice.
2. Whether the complainant was entitled to any relief under the Consumer Protection Act, 2019.
3. Whether any order as to costs should be made in the course of the proceedings.

## Allegations of Unfair Trade Practice

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The complainant argued that the blanket prohibition imposed by PVR Cinemas on carrying outside food and beverages effectively leaves patrons with no real choice but to purchase refreshments from its in-house counters, where prices are substantially higher than those prevailing in the open market. By enforcing this restriction and confining viewers within the theatre premises during the screening, the multiplex was alleged to have created a captive consumer base, thereby limiting choice and exploiting customers.

On this basis, the complainant maintained that such conduct amounted to an unfair as well as restrictive trade practice within the meaning of the Consumer Protection Act, 2019.

## Commission's Findings

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Upon evaluating the pleadings, documentary material, and the procedural conduct of the case, the District Consumer Commission arrived at the following conclusions:

1. **Failure to Adduce Evidence:** The complainant did not submit a proof affidavit or produce any supporting evidence, despite multiple opportunities granted by the Commission. It emphasized that the burden of establishing deficiency in service or an unfair trade practice lies on the complainant. The failure to discharge this burden rendered the complaint untenable.

2. **Absence of Deficiency in Service:** The Commission found no evidence indicating that the services provided by PVR Cinemas fell short of statutory or contractual standards. It held that a restriction on carrying outside food, by itself, does not amount to a deficiency in service.
3. **No Unfair or Restrictive Trade Practice:** The policy prohibiting external food and beverages was considered transparent, uniformly enforced, and justified by legitimate considerations such as safety, hygiene, and efficient operations. In the absence of any proof of misleading conduct or consumer exploitation, the allegation of unfair or restrictive trade practice was rejected under the Consumer Protection Act, 2019.
4. **Provision of Free Drinking Water:** The Commission took note of PVR's assurance that free RO-filtered drinking water is made available to all patrons. It directed the multiplex to strictly adhere to this undertaking and further instructed that clear and visible signboards be installed within the premises to inform customers about this facility.

## Legal Significance

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The ruling reinforces the binding authority of the Supreme Court's decision in *K.C. Cinema v. State of J&K*<sup>2</sup>, which recognized the right of cinema owners and multiplex operators to regulate conditions of entry, including restrictions on carrying outside food and beverages. The judgment brings out three key principles:

- **Consumer rights are not absolute:** Although patrons may be dissatisfied with the pricing of in-house food, their freedom of choice does not supersede the proprietor's right to impose reasonable entry conditions.
- **Need for a balanced approach:** While upholding such restrictions, theatres are required to safeguard consumer welfare by ensuring access to free and safe drinking water and by making reasonable accommodations for infants and individuals with specific medical needs.
- **Adherence to judicial precedent:** Consumer Commissions are obligated to follow the law laid down by the Supreme Court and cannot grant relief in a manner inconsistent with binding precedent.

Overall, the decision holds considerable legal importance as it clarifies the ambit of "unfair trade practice" within the functioning of multiplexes, drawing a clear distinction between legitimate business policies and practices that may amount to consumer exploitation.

## The Commission's Dual Verdict

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The final decision of the District Consumer Disputes Redressal Commission, Ernakulam, resulted in a two-fold outcome: while the primary complaint was dismissed, an important and binding direction was issued in the interest of consumer welfare. The Commission rejected the complaint on the ground that the complainant failed to prove any deficiency in service, and further upheld the restriction on outside food as consistent with the Supreme Court's ruling in *K.C. Cinema v. State of J&K*. No order as to costs was made.

At the same time, the Commission directed PVR Cinemas to strictly adhere to its undertaking of providing uninterrupted access to free RO-filtered drinking water for all patrons. It also mandated that the facility be properly maintained in hygienic conditions and that clear and visible signage be installed to inform customers of its availability. Through this approach, the Commission effectively balanced the operational autonomy of the multiplex with the essential health and welfare rights of consumers.

## Author's View

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The decision of the District Consumer Disputes Redressal Commission reflects a pragmatic and legally sound approach. The dismissal of the primary challenge to the ban on outside food was largely unavoidable, given the binding precedent established by the Supreme Court affirming the right of multiplex operators to impose reasonable entry conditions.

However, the true significance of the judgment lies in its directive concerning the provision of free, hygienic drinking water. By formally recording the cinema's assurance as a binding obligation, the Commission converted what would otherwise be a voluntary practice into an enforceable duty. This effectively addresses concerns relating to consumer health and welfare, while also mitigating the impact of restricted choices within the premises. In doing so, the ruling successfully secures a basic consumer entitlement without undermining the lawful business practices of the multiplex.

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1. CC No. 416 of 2022 ??

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