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W.P.No.5761 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.5761 of 2026 & WMP.No.6284 of 2026

P.Nikilesh Surya

...Petitioner

Vs

1. Competition Commission of India
through the Secretary, 9th Floor,
Office Block 1, Kidwai Nagar East
New Delhi-110023

2. Competition Commission of India
Regional Office (South) Chennai,
652, Anna salai, Nandanam,
Chennai-600035, Tamil Nadu

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the respondents to
adjudicate upon the impleadment applications dated 18.11.2025 and
21.11.2025 filed by the petitioner in proceedings pertaining to Case No 42



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of 2023 filed by the Film and Television Producers Guild of India before the respondents and implead the petitioner and provide an opportunity of hearing and make detailed submission before passing any further orders.

For Petitioner:	Mr.Srinath Sridevan, SC for Mr.Edward James
For Respondents:	Mr.AR.L.Sundaresan, ASGI assisted by Mr.Rahul Unnikrishanan

ORDER

This is a petition filed by the petitioner seeking a direction to the respondents to adjudicate upon the impleadment applications dated 18.11.2025 and 21.11.2025 filed by the petitioner in proceedings pertaining to Case No.42 of 2023 filed by the Film and Television Producers Guild of India before the respondents and implead the petitioner and provide an opportunity of hearing and make detailed submission before passing any further orders.

2. Heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Additional Solicitor General, assisted by the learned counsel appearing for the respondents.



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3. The case of the petitioner is as follows:

(i) The petitioner is a partner in the partnership firm M/s.Rohini Movie Park, which is operating four theatre properties in Chennai, Cheyyur, Tindivanam and Chengalpattu and is having office at No.141, Poonamallee High Road, Chennai-107. The said partnership firm is engaged in the business of exhibiting films and providing the movie goers with access to theatrical release in digital cinema format. It primarily serves local communities offering tickets at affordable prices. The business model is heavily dependent on sustainable access to digital cinema infrastructure and technology to remain financially viable in an increasingly competitive entertainment landscape. The said partnership firm relies on virtual print fee charged by exhibitors from producers to compensate for the investment in leasing digital cinema equipment.



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(ii) The respondents namely the Competition Commission of India is an autonomous body constituted under the Competition Act, 2002 (for short, the Act). They are vested with the authority to issue orders under Section 26(1) of the Act directing the Director General (DG), Competition Commission of India (CCI) to conduct an investigation into alleged contraventions of the Act.

(iii) The first respondent, in Case No.42 of 2023 filed by the Film & Television Producers' Guild of India, passed a prima facie order dated 30.9.2025 under Section 26(1) of the Act directing the DG, CCI to cause an investigation against PVR INOX Limited and submit an investigation report within 90 days. The issue against PVR INOX Limited pertains to payment of virtual print fee by producers and distributors across the country and it has greater impact on the entire cinema exhibition industry including the petitioner.

(iv) In the pending case before the first respondent, the petitioner filed the applications for impleadment highlighting the substantial interest in the outcome of the proceedings and the necessity for impleadment and on the ground that passing of any order by the first respondent in Case



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No.42 of 2023 without impleading the petitioner and without giving an opportunity to the petitioner would cause great prejudice.

(v) Earlier, the petitioner approached this Court by filing W.P.No.46471 of 2025 seeking a direction to the respondents to consider the impleadment applications dated 18.11.2025 and 21.11.2025 filed by the petitioner in Case No.42 of 2023, implead the petitioner and provide an opportunity of hearing. The said writ petition was disposed of on 08.12.2025 with a direction to the respondents to consider the impleadment applications of the petitioner if he has interest in the matter within a stipulated time. However, the first respondent, vide order dated 18.12.2025, deferred the adjudication of the impleadment applications and directed that it would be taken up at the appropriate stage. Further, the respondents arbitrarily forwarded the impleadment application filed by the petitioner along with the applications filed by others to the DG, CCI for appropriate action. The DG, CCI does not have any power under the Act to decide the impleadment applications. Hence the writ petition.



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4. The Secretary attached to the office of the first respondent filed a counter on behalf of both the respondents wherein he stated as follows:

(i) The writ petition is not maintainable. The relief sought for in this writ petition is similar to the one sought for in the earlier writ petition.

(ii) The first respondent formed only a prima facie opinion that M/s.PVR INOX Limited acted in contravention of Section 4 of the Act by abusing its dominant position. Vide proceedings dated 14.1.2026, the first respondent granted extension of time to the DG, CCI to file the investigation report. Hence, at this stage, it is only an investigation against M/s.PVR INOX Limited. Regulation 26 of the General Regulations does not contemplate any right to implead a party in a proceeding. The first respondent can permit a person or enterprise to present opinion in relation to a matter provided the first respondent is satisfied and if such participation would serve public interest. As a matter of right, the petitioner cannot seek to get himself impleaded when the relevant Regulation does not have any such provision.

(iii) The first respondent never acted in gross disobedience of this Court. At the stage of investigation by the DG, CCI, the first respondent is



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yet to seize of all the relevant factors and materials, which are necessary to adjudicate the issue as to whether the petitioner has substantial interest in the outcome of the proceedings to warrant participation under Regulation 26 of the General Regulations. Hence, the first respondent exercised its discretion under the relevant provision and arrived at a conclusion that the issue as to whether the petitioner has substantial interest in the outcome of the proceedings would be taken up at the appropriate stage.

(iv) The respondents never abdicated their statutory responsibility on contravention of Regulation 26 of the General Regulations. The respondents are mandated to discharge their functions in adherence to the principles of natural justice. No mandamus would lie against an Authority to exercise its discretionary powers. As such, the entire investigation arising out of the prima facie order is only against M/s.PVR INOX Limited. The market study is an exercise carried out by the respondents as a part of its policy and advocacy measures. The manner, in which, the market study is conducted, identification of stakeholders and the methodology to be adopted, are all matters, which fall squarely within the



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wisdom and expertise of the respondents and the petitioner cannot dictate the process of such a study to the respondents.

(v) The apprehension of the petitioner that the respondents would not provide an opportunity during the commitment proceedings is wholly misconceived. The Commitment Regulations do not contemplate impleadment of parties, but they provide for participation of the stakeholders. The respondents are vested with discretionary powers to provide an opportunity to the concerned parties or any other party and invite their comments, objections and suggestions in the commitment proceedings. The respondents may also invite public comments by publishing the summary in the website. Accordingly, the respondents sought to dismiss the writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



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6. In the considered view of this Court, when the first respondent already passed an order dated 30.9.2025 directing the DG, CCI to cause an investigation into the matter regarding the alleged conduct under the provisions of Section 26(1) of the Act and to file a report within a period of 90 days, pending investigation, it is not proper for this Court to issue a direction to the first respondent to consider the application for impleadment filed by the petitioner. Subject to outcome of the investigation pending before the DG, CCI, the impleadment application filed by the petitioner can be considered and appropriate orders be passed by the first respondent. This Court, exercising jurisdiction under Article 226 of The Constitution of India, cannot direct the first respondent to consider the impleadment application at the state of investigation.

7. It is seen that the three months' period given by the first respondent to the DG, CCI vide order dated 30.9.2025 is already over by 31.12.2025. Later, the DG, CCI sent a communication dated 01.1.2026 to the first respondent to grant extension of time for 150 days beyond 14.1.2026. Further, vide proceedings dated 14.1.2026, the first respondent



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granted extension of time to the DG, CCI beyond 14.1.2026. It is needless to point out that the DG, CCI shall complete the investigation and file the investigation report to the first respondent within the time granted. On receipt of the investigation report, the first respondent shall pass appropriate orders in Case No.42 of 2023 along with all the impleading applications within a period of four weeks therefrom.

8. The writ petition is disposed of with the above directions. No costs. Consequently, the connected WMP is closed.

30-03-2026

RLI/RS

To

1. The Competition Commission of India
through the Secretary, 9th Floor,
Office Block 1, Kidwai Nagar East
New Delhi-110023
2. The Competition Commission of India
Regional Office (South) Chennai,
652 Anna salai, Nandanam,
Chennai-600035, Tamil Nadu
3. The DG, CCI, 9th Floor, Office Block-1,
Kidwai Nagar (East), New Delhi-110023.

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