

Justickets Pvt. Ltd. v. Big Tree Entertainment Pvt. Ltd. and Ors (2017 SCC OnLine CCI 14)

Decision Date: 10.03.2017

Key Word: *anti-competitive agreement; abuse of dominance*

Issue: Whether there was abuse of dominance in the online movie ticketing movie portal?

Rule: Sec. 3 and Sec. 4 of the Competition Act, 2002

In the present case the Informant alleged that OP-1 and OP-2 were acting in contravention to Sec. 3 and Sec. 4 of the Act. It is alleged that OP-1 is dominant in the market for online movie ticketing portals in India and OP-2 is dominant in the market for box office ticketing solutions in India (through a software known as Vista). Furthermore since OP-1 is the exclusive distributor for Vista in India, OP-1 is also dominant in the market for box office ticketing solutions in India. It is alleged that OP-1 is abusing its dominant position by denying other online movie ticketing portals such as the informant from getting access to the Vista software by creating barriers. Further OP-2's policy of not granting Vista to other online movie ticketing portals is also challenged. The informant therefore alleges violations of Sec. 4(2)(c) and Sec. 4(2)(e) of the Act. Further the conduct of OP-1 and OP-2 in not providing Vista to informant or providing the same on a case-to-case basis amounts to refusal to deal and is in violation of Sec. 3(4)(d) of the Act.

The commission notes that the primary issue for the informant arises from the difficulty with which the informant is getting access to Vista for its operations. It has been argued by the informant that access is granted only after much delay and high handedness on the part of OP-1. However the commission also notes that as per the date of the decision, access to vista has been granted to the informant and in some cases the delay in doing so is attributable to the informants themselves. In the present case the Commission also accepted the rationale for delay by OP-1 being that, they need to enter into a non-disclosure agreement before providing access to Vista which is time consuming and causes delay.

Thus the Commission is of the view that there was no abuse by the OP's and in light of the same no contravention of either Sec. 3 or Sec. 4. In conclusion, the commission ordered the closure of the case under Sec. 26(2) of the Act.

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