

*Shabnoor*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 89 OF 2024

Amit Vyas

adult Indian inhabitant having his
Office at Vertices Partners
Tulsiani Chambers, 801-804,
A Wing, 8th Floor,
Free Press Journal Marg,
Nariman Point, Mumbai – 400021.

... Petitioner

V/s.

**SHABNOOR
AYUB
PATHAN**

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SHABNOOR AYUB
PATHAN
Date: 2025.01.15
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1. Union of India

Through the Ministry of Electronics
and Information Technology
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi 11003.

... Respondent

2. Union of India

Through the Ministry of Finance
(Department of Revenue) Central
Board of Indirect Taxes and Custom
Jeevan Deep Building, Sansad Marg
New Delhi – 110001.

3. State of Maharashtra

through its Ministry of Department of
Goods and Service Tax,
GST Bhavan, Ground Floor,
New Building, Balwant Singh
Dodhi Marg, Mazgaon,
Mumbai 400010

4. Live Nation Entertainment Inc.

Formerly known as CCE Spinco. Inc.
Having its Headquarters at
9348 Civic Centre Drive
Beverly Hills, CA 90210
Email: media@ticketmaster.com,
moniquesowinski@livenation.com,
IR@livenation.com,

5. Big Tree Entertainment Pvt. Ltd.

Having its registered office at
Wajeda House, Ground Floor,
Gulmohar Cross Road 7, Near Tian
Restaurant, Juhu Scheme,
Mumbai – 400 049.
Email Id: legal@bookmyshow.com

6. BookMyShow Live Pvt. Ltd.

Having its registered office at
CTS No.125, Village Vile Parle,
Near W. E. Highway,
Next to Neelkanth Complex,
Sahar Road, Vile Parle East,
Mumbai – 400099
Email Id. legal@bookmyshow.com

7. Stubhub India Private Limited.

Through Authorised Representatives
Registered Office;
Plot No.32, CTS No.16295-34,
Jyothi Nagar, Behind Sai Mandir,
Aurangabad, Maharashtra – 431005.
Email:- vinay@macvinconsultancy.com

8. Viagogo Entertainment Inc.

Through Authorised Representatives
Registered Office;
1209 Orange Street,

Wilmington, Delaware,
U.S.A – 19801.
Also At;
160 Greentree Drive,
Suite 101, Dover, Delaware,
County of Kent, U.S.A – 19904
Email:- privacyrequest@orders.viagogo.com

Mr. Janak Dwarkadas, Sr. Advocate, (through V.C.) a/w
Ankita Singhania a/w Mr. Saif Digankar, Mr. Amit Vyas,
Mr. Naserali Rizvi, Ms. Poonam Ashar i/by Vertices
Partners for Petitioner.

Smt. Sheetal Malvankar, AGP for State – Respondent
No.3.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

RESERVED ON : JANUARY 3, 2025

PRONOUNCED ON : JANUARY 10, 2025

JUDGMENT (PER AMIT BORKAR, J.)

1. The petitioner, invoking jurisdiction of this Court under Article 226 of the Constitution of India, seeks a writ of mandamus directing respondent Nos.1 to 3 to take cognizance of online ticketing scams and black marketing, and to frame effective and comprehensive laws, rules, and regulations to prevent the practices of ticket scalping, touting, and black marketing concerning the sale of tickets for 'major events'. The petitioner further prays for the constitution of an expert

committee to study and recommend measures to control and regulate the online sale of tickets for such events.

2. The petitioner specifically draws attention to substantial irregularities and illegalities alleged to have occurred in the online sale of tickets conducted on 22nd September 2024 for the concert "COLDPLAY: Music of the Spheres World Tour", scheduled for January 2025. Based on these allegations, the petitioner seeks directions for reconvening the online sale of tickets, if necessary.

3. The petitioner is a practicing Advocate and claims locus standi by invoking the doctrine of public interest litigation to bring to light grievances impacting a large section of the public. Respondent Nos.5 and 6 are companies incorporated under the Companies Act, 1956. Respondent No.4 is a globally renowned live entertainment company responsible for organizing and hosting international concerts. Respondent No. 6 is a group company of respondent No.5 and acts as a liaison for promoting live entertainment events in India. The petitioner alleges that an online ticketing scam pertaining to the "COLDPLAY: Music of the Spheres World Tour" Concert 2025, necessitated the filing of the present PIL petition. It is

alleged that respondent No. 4, as the global ticketing partner for the Coldplay tour, collaborated with respondent Nos. 5 and 6 and awarded exclusive ticketing rights to "BookMyShow" for the Indian leg of the tour.

4. The petitioner contends that tickets for the concert were announced to be live for booking on 22nd September 2024 at 12:00 p.m. via BookMyShow's digital platform. However, according to the petitioner, the process was marred by multi-crore irregularities. It is alleged that even before the scheduled time of 12:00 p.m., numerous users, including the petitioner, were logged out from the platform. Subsequently, both the application (App) and the website became non-responsive, precluding users from accessing the platform to purchase tickets. When users were able to log in by 12:16 p.m., they were placed in a digital queue where the initial two shows of the concert, scheduled for 18th and 19th January 2025, were shown as "sold out" within minutes, at approximately 12:30 p.m. Further, at around 1:30 p.m., a third show of the concert, scheduled for 21st January 2025, was announced and tickets were made available for purchase. However, these tickets were also shown as "sold out" almost instantaneously, even as the queue numbers for many users

remained stagnant.

5. The petitioner contends that within minutes of 12:00 noon on 22nd September 2024, tickets for the concert were made available on secondary ticketing websites (STWs) such as Viagogo.com through ticket scalpers, who procured large quantities of tickets and resold them at exorbitant prices. The petitioner alleges that the original price of a ticket on the BookMyShow platform was ₹2,500, but in the secondary market, the starting price ranged from ₹25,000 to ₹12,00,000 or more. It is argued that such an extraordinary escalation in ticket prices could not have occurred without the active involvement, connivance, or gross negligence of promoters, directors, and key managerial personnel of respondent Nos.4 to 6. The petitioner submits that these actions demonstrate a blatant failure of the regulatory framework, warranting judicial scrutiny and remedial measures.

6. The petitioner further states that on 23rd September 2024, a police complaint was filed with the Economic Offences Wing (EOW), alleging offences under Sections 111(2) (organized crime), 318(4) (cheating), 316(2) (criminal breach of trust), and 61(2) (criminal conspiracy) of the Bharatiya

Nyaya Sanhita, 2023 (BNS, 2023) against respondent Nos. 4 to 6 and their key managerial personnel. It is submitted that the EOW initiated a preliminary inquiry, being PE No. 125 of 2024, to investigate the alleged offences. However, the inquiry was delayed due to non-cooperation by the respondents and their key managerial personnel. The petitioner also points to similar allegations of illegal activities by a global ticketing entity, Ticketmaster, allegedly associated with respondent No.4, in jurisdictions such as the United States of America, Canada, and the United Kingdom. These precedents, according to the petitioner, indicate a systematic and deliberate pattern of misconduct in the global ticketing industry.

7. The petitioner alleges collusion between event organizers and primary ticket sellers, who conspire to engage in unethical practices, including the black marketing of tickets through foreign entities like Viagogo. It is submitted that a ticket priced at ₹2,500 attracts Goods and Services Tax (GST) of approximately ₹700. However, when such tickets are resold on secondary platforms like Viagogo for prices as high as ₹5,80,000 or more, no GST is paid on the resale transaction, resulting in significant GST evasion and loss to the public

exchequer. The petitioner highlights that these STWs do not disclose the identities of the sellers, making it virtually impossible to verify whether tickets were procured by genuine individuals or automated ticketing bots. This opacity in operations warrants judicial intervention and the formulation of appropriate guidelines to ensure accountability and transparency until a specific legislative framework is enacted.

8. The petitioner emphasizes that several international jurisdictions, including the USA, United Kingdom, Australia, Canada, Japan, China, Taiwan, France, and Belgium, have enacted specific laws to combat ticket touting and scalping. These legal frameworks include provisions to prevent the use of automated bots, ensure fairness in ticket distribution, and enhance consumer protection. The absence of analogous legislation or guidelines in India, the petitioner contends, compromises the efficiency and fairness of the ticketing system and perpetuates unethical practices. The petitioner specifically points out that the use of bots automates the ticket-purchasing process, enabling them to purchase large volumes of tickets within seconds, thereby depriving genuine consumers of access and inflating ticket prices in secondary markets. This necessitates immediate regulatory intervention

to curb the misuse of technology in ticketing practices and safeguard public interest.

9. The petitioner contends that the practices of ticket scalping, touting, and black marketing violate the fundamental rights of the public under Articles 14, 15(2), 19, and 21 of the Constitution of India. These rights, particularly the right to equality, protection from discriminatory practices, and the right to life with dignity, are allegedly infringed due to the lack of fair and transparent mechanisms in online ticketing systems. Additionally, the petitioner asserts that such practices contravene the provisions of the Consumer Protection (E-commerce) Rules, 2020, particularly Rule 4(9), which mandates e-commerce entities to ensure fair and non-deceptive practices, and Rule 4(11), which requires them to provide transparency in their operations

10. The petitioner emphasizes that the regulation of not only ticket scalping and the use of automated bots but also the conduct of Primary Ticket Sellers (PTS) and Primary Ticketing Websites (PTW) is essential to safeguard consumer rights and public interest in the online ticket sales industry for major events. These practices, if unchecked, undermine trust in the

digital economy and create an uneven playing field. It is submitted that the formation of an expert committee to conduct a comprehensive macro-level study of the ticketing practices observed during the Coldplay concert is imperative. Such a study could provide actionable recommendations to regulate the secondary ticket market and ensure compliance with constitutional and statutory principles.

11. According to the petitioner, the absence of stringent laws or effective regulatory mechanisms has resulted in the perpetuation of black marketing, ticket scalping, and unethical touting practices, particularly in the online domain. It is stated that pending the enactment of adequate legislation, it is imperative to lay down effective interim guidelines to address these issues. Such guidelines would serve as a framework for the regulation of online ticket sales for major events and provide a deterrent against unlawful and unfair practices.

12. The petitioner has therefore prayed for relief in the nature of mandamus for framing and enforcement of stringent guidelines to prevent black marketing, ticket scalping, and touting of online tickets for major events. Additionally, the petitioner seeks constitution of a committee to conduct a

detailed study and recommend measures to control and regulate the online sale of tickets. In cases where substantial irregularities or illegalities are identified, the petitioner further prays for directions to reconvene the online sale of tickets that were acquired through illegal, unfair, or deceptive acts. These measures, according to the petitioner, are necessary to uphold constitutional values, promote fairness and accountability in the online ticketing system, and protect the interests of consumers at large.

13. We have heard Mr. Janak Dwarkadas, learned senior counsel appearing for the petitioner. He submitted that the lack of regulations governing the sale of online tickets for major events has resulted in deprivation of genuine consumers' fundamental rights, including their right to equality and non-discrimination under Article 14, as well as their right to access public goods and services under Articles 19 and 21 of the Constitution of India. He argued that the absence of a regulatory framework creates an uneven playing field, allowing unethical and illegal practices to thrive, thereby depriving citizens of an equal opportunity to purchase tickets and access entertainment and live events.

14. Learned senior counsel further contended that these unethical practices have caused substantial economic losses to the public exchequer, particularly due to the evasion of Goods and Services Tax (GST) on exorbitantly priced tickets sold in the secondary market. He emphasized that multi-crore irregularities have emerged from the online sale of tickets due to the lack of regulations to control primary ticket sales and the functioning of primary ticketing websites in the online ticketing industry for major events.

15. He submitted that it is imperative to establish an expert committee to conduct a comprehensive macro-level study of the current ticketing ecosystem and recommend effective measures to regulate the secondary ticket market. Such a study would ensure accountability, fairness, and transparency in ticket sales and provide a basis for regulating the primary and secondary ticket markets to prevent black marketing and ticket scalping.

16. Learned senior counsel also brought to the Court's attention that despite the registration of PE No.125 of 2024 by the Economic Offences Wing, no substantial progress has been made in the investigation due to the alleged non-

cooperation of respondent Nos.4 to 6 and their key managerial personnel. He urged the Court to take cognizance of the seriousness of the issue and issue appropriate directions to ensure compliance by the respondents.

17. In conclusion, Mr. Dwarkadas submitted that this Court must exercise its jurisdiction under Article 226 of the Constitution of India to issue the necessary directions as prayed for in paragraph 53 of the Public Interest Litigation (PIL) petition, including framing stringent guidelines to address the issue, preventing unlawful practices in ticket sales, and protecting the rights of consumers and the integrity of the ticketing system.

18. At the outset, we may state that the petitioner is seeking writ of mandamus directing respondent Nos.1 to 3 to take cognizance of online ticketing scams and black marketing, and to frame effective and comprehensive laws, rules, and regulations to prevent the practices of ticket scalping, touting, and black marketing concerning the sale of tickets for 'major events'. In this context, it may be observed that it is now well settled that the High Court, in exercising its powers under Article 226 of the Constitution of India, cannot

issue directions to compel the legislature to enact a particular law. This limitation on judicial power is firmly rooted in the constitutional scheme, which vests the power to legislate solely in the Parliament and State Legislatures.

19. The Supreme Court in *Supreme Court Employees' Welfare Association v. Union of India*, (1989) 4 SCC 187, unequivocally held that no court can direct the legislature to enact a specific law, as such an action would violate the principle of legislative sovereignty. Similarly, if delegated or subordinate legislation is permissible under the Constitution or a parent statute, the judiciary cannot dictate the content of such rule-making unless there is a failure to meet mandatory statutory or constitutional requirements.

20. In *State of H.P. v. Parent of a Student of Medical College*, (1985) 3 SCC 169, the High Court of Himachal Pradesh required the State Government to initiate legislation against ragging in educational institutions and, for this purpose, granted the State Government a period of six weeks. The decision was challenged before the Supreme Court. The Supreme Court held that the direction given by the Division Bench was, in essence, an attempt to compel the State

Government to introduce legislation to curb the evil of ragging. The Court in paragraph 4 observed as follows:

"It is entirely a matter for the executive branch of the Government to decide whether or not to introduce any particular legislation. Of course, any member of the legislature can also introduce legislation but the court certainly cannot mandate the executive or any member of the legislature to initiate legislation, howsoever necessary or desirable the court may consider it to be. That is not a matter which is within the sphere of the functions and duties allocated to the judiciary under the Constitution. If the executive is not carrying out any duty laid upon it by the Constitution or the law, the court can certainly require the executive to carry out such duty and this is precisely what the court does when it entertains public interest litigation. Where the court finds, on being moved by an aggrieved party or by any public-spirited individual or social action group, that the executive is remiss in discharging its obligations under the Constitution or the law, so that the poor and the underprivileged continued to be subjected to exploitation and injustice or are deprived of their social and economic entitlements or that social legislation enacted for their benefit is not being implemented thus depriving them of the rights and benefits conferred upon them, the court certainly can and must intervene and compel the executive to carry out its constitutional and legal obligations and ensure that the deprived and vulnerable sections of the community are no longer subjected to exploitation or injustice and they are able to realise their social and economic rights. When the court passes any orders in public interest litigation, the court does so not with a view to mocking at legislative or executive authority or in a spirit of confrontation but with a view to enforcing the Constitution and the law, because it is vital for the maintenance of the rule of law that the

obligations which are laid upon the executive by the Constitution and the law should be carried out faithfully and no one should go away with a feeling that the Constitution and the law are meant only for the benefit of a fortunate few and have no meaning for the large numbers of half-clad, half-hungry people of this country. That is a feeling which should never be allowed to grow. But at the same time the court cannot usurp the functions assigned to the executive and the legislature under the Constitution and it cannot even indirectly require the executive to introduce a particular legislation or the legislature to pass it or assume to itself a supervisory role over the law-making activities of the executive and the legislature."

(emphasis supplied)

21. The Court thus underscored that it cannot usurp the functions assigned to the legislative bodies under the Constitution by directly or indirectly mandating them to enact specific legislation. The principle of separation of powers, as reflected in the scheme of our Constitution, provides that the legislature, executive, and judiciary must operate within their own spheres. Courts may enforce existing constitutional or legal obligations upon the executive or the legislature but cannot instruct them to enact, amend, or repeal a particular statute. It is trite that while Articles 32 and 226 of the Constitution confer wide powers of judicial review to enforce rights and obligations, these powers do not extend to

compelling legislative action where none exists.

22. The above position aligns with the judgment in *Common Cause v. Union of India*, (1999) 6 SCC 667, where the Supreme Court clarified that while courts may fill legislative gaps by issuing guidelines in cases where fundamental rights are at stake (as was done in *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, in relation to sexual harassment at the workplace), such guidelines are not a substitute for legislation and cannot compel the legislature to act. Ultimately, it is for the legislature alone to decide whether or not to enact a law in any given field, subject to the parameters of the Constitution.

23. Even when subordinate legislation is enacted by an executive authority pursuant to delegated powers, the courts cannot dictate the content of such rules or regulations. This principle was reiterated in *State of Uttar Pradesh v. Uttar Pradesh State Law Officers Association*, (1994) 2 SCC 204, where the Supreme Court observed that courts should refrain from interfering in matters that fall squarely within the executive or legislative domain. The judiciary's role is confined to ensuring the constitutionality and legality of existing laws

or administrative actions, and not to formulate policies or enact laws.

24. In the case of *Census Commissioner & Ors. v. R. Krishnamurthy*, (2015) 2 SCC 796, the Supreme Court, while deliberating on the power of the judiciary to issue directions in matters involving policy or legislative action, observed in paragraph 33 as follows:

"The court, while exercising its powers, must keep in view the inherent limitations in its functioning and must not transgress into the domain of the executive or the legislature. The judiciary can neither direct the framing of policies nor dictate the enactment of legislation. The judicial process, while interpreting laws or policies, must respect the principle of separation of powers."

25. This principle underscores that courts should exercise judicial restraint when dealing with matters that are within the purview of legislative or executive discretion. It further reiterates the constitutional framework wherein the legislature holds the prerogative to address policy gaps and enact laws in response to emerging challenges.

26. Furthermore, the doctrine of separation of powers, which forms part of the basic structure of the Constitution, mandates that the three organs of the State—legislature,

executive, and judiciary—must function independently within their respective domains. Judicial encroachment into legislative functions would undermine this fundamental principle and disrupt the balance of power envisaged by the Constitution. Accordingly, while the High Court’s jurisdiction under Article 226 is broad and supervisory in nature, it must ensure that it does not overreach its bounds by assuming the role of the legislature. In keeping with the constitutional scheme, courts can only guide the executive to comply with duties explicitly cast by existing statutes or constitutional provisions. They cannot assume a supervisory role over law-making powers, which remain within the exclusive domain of duly elected legislative bodies under Articles 245 to 248 (relating to the distribution of legislative powers) of the Constitution.

27. Hence, the High Court must ensure that in exercising its supervisory jurisdiction, it refrains from intruding into legislative functions. It must not overstep the well-recognised boundaries of judicial review by issuing directions that effectively mandate legislative or policy formulations that rest exclusively in the legislature’s domain.

28. Applying these principles to the present case, in the absence of existing statutory provisions regulating illegalities such as ticket scalping, touting, and black marketing concerning the sale of tickets for major events—or provisions addressing the misuse of bots and malpractices by primary ticket sellers and ticketing platforms—the Court cannot issue directions to enact specific laws or regulations to address these concerns.

29. While the petitioner's grievances highlight the urgent need for regulatory intervention to address the challenges posed by the evolving online ticketing industry, the responsibility for creating a statutory framework lies with the legislature. Courts, while acknowledging the significance of such issues, must limit themselves to providing recommendations or directing compliance within the existing legal framework. Furthermore, directions and guidelines issued by the court are permissible only when they are in consonance with and within the framework of existing statutory provisions. In the absence of a statutory framework, the court is constrained from issuing binding directions to formulate specific laws or regulations.

30. In the present case, the grievances raised by the petitioner about unethical practices in the online ticketing ecosystem underscore the need for robust regulatory mechanisms. However, it is ultimately for the legislature and the executive, in their wisdom, to address these issues through appropriate policy measures or legislative intervention.

31. Moreover, accepting that for the enforcement of fundamental rights such a direction could be issued in the absence of specific legislation, in our considered opinion, the practices of ticket scalping, hoarding, and resale by private entities and individuals, without any direct or substantial involvement of the State or its instrumentality, do not *per se* violate fundamental rights of citizens under Articles 14, 15(2), 19, and 21 of the Constitution of India.

32. Article 14 guarantees the right to equality before the law and equal protection of the laws. However, the petitioner has not demonstrated any State action or involvement of a State instrumentality that discriminates or arbitrarily restricts individuals from purchasing tickets. Ticket scalping and resale, though ethically questionable, are predominantly conducted

by private entities and individuals. To establish a violation under Article 14, it must be demonstrated that the alleged discrimination or arbitrariness is attributable to the State or to a "State" authority as contemplated under Article 12 of the Constitution. Private conduct, absent any state action or nexus, generally does not come within the ambit of Article 14. (See: *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology*, (2002) 5 SCC 111.). In the absence of such evidence, the claim of an Article 14 infringement remains unsubstantiated.

33. Article 15(2) prohibits discrimination on grounds of religion, race, caste, sex, or place of birth in matters of access to shops, public restaurants, hotels, and places of public entertainment. However, mere commercial restrictions or inflated prices set by private parties, without discrimination based on the protected categories, do not fall within its scope. The petitioner has not shown how the alleged practices amount to such discrimination or denial of access to public entertainment. Ticket scalping and hoarding may restrict access to certain events due to inflated pricing, but these actions do not fall within its ambit Article 15(2). Consequently, the alleged conduct does not fall within the ambit of Article

15(2).

34. While Article 19(1)(g) guarantees the freedom to practise any profession or to carry on any occupation, trade, or business, this provision neither creates a fundamental right to access privately organized events nor does it prohibit all profit-driven endeavors. However, these freedoms do not encompass an unrestricted right to access entertainment events organized by private entities. Moreover, no unreasonable restriction has been shown to be imposed by the State under Articles 19(2) to 19(6) in relation to ticket scalping or resale activities by private entities. Regulation of ticket sales and resale, where it exists, is a matter of commercial activity, and legislative bodies—exercising their powers under Entries 26 and 33 of the State List or Concurrent List of the Seventh Schedule—are vested with authority to enact or amend laws governing such practices.

35. Lastly, Article 21 guarantees the right to life and personal liberty, which has been interpreted to include various facets of a dignified existence. While access to cultural and entertainment opportunities can be considered an important aspect of individual well-being, the practices of ticket scalping,

hoarding, and resale do not amount to a State-inflicted deprivation of life or personal liberty. Article 21 is primarily enforceable against the State or entities that can be characterized as “State” under Article 12, or that perform public duties of a governmental nature. Private wrongdoing, in the absence of direct or indirect state participation, generally does not amount to a violation of Article 21.

36. In *Zee Telefilms Ltd. v. Union of India*, (2005) 4 SCC 649, the Supreme Court dealt with the question of whether the Board of Control for Cricket in India (BCCI)—a private body—could be treated as “State” or an instrumentality/agency of the government within the meaning of Article 12 of the Constitution. The Court held that BCCI did not fall within the ambit of “State” and, therefore, actions against it for alleged breaches of fundamental rights were not maintainable.

37. Article 21 of the Constitution guarantees the right to life and personal liberty, which is enforceable against the “State” (or any authority that qualifies as a “State” under Article 12). In *Zee Telefilms*, the Supreme Court clarified that private bodies, even if they discharge some public functions, are not automatically brought within the fold of “State” unless they

fulfill the criteria indicating a significant or pervasive control by government or performance of an exclusively governmental (public) function.

38. In the ticket scalping/hoarding scenario, as described in the petition, the entities carrying out these activities are private actors (e.g., ticketing websites, promoters, scalpers) with no substantial or pervasive control by the government. Following the ratio of *Zee Telefilms*, these private entities would not be categorized as instrumentalities or agencies of the State merely because they are performing a commercial activity of selling event tickets. Applying *Zee Telefilms* to the ticket scalping context, since private individuals and entities are the main operators (and not governmental bodies), no direct Article 21 violation arises unless it can be demonstrated that the private body is "State" or is exercising a public function under Article 12.

39. Insofar as the contentions raised by Mr. Dwarkadas, learned senior counsel, regarding the alleged loss to the public exchequer due to unchecked resale of tickets at inflated prices are concerned, the same falls within the domain of tax enforcement authorities. The Central Goods and Services Tax

Act, 2017 (hereinafter "GST Act") provides ample scope for the authorities to take action in instances where there is reason to believe that tax has not been paid or has been short evaded.

40. Therefore, it is open for the Goods and Services Tax authorities to take necessary action in accordance with law if evidence substantiating allegations of revenue loss is brought to their notice. However, for the said purpose, it is neither necessary nor within the Court's jurisdiction under Articles 226 of the Constitution to issue directions compelling such authorities to act in a specific manner or to undertake any particular investigation. The relevant statutory provisions, as outlined, already vest adequate powers in these authorities to conduct inquiries, impose penalties, and provide remedies where appropriate.

41. Furthermore, in the absence of an enforceable right being demonstrated by the petitioner, this Court cannot invoke its jurisdiction under Article 226 to grant the relief sought. The Supreme Court has consistently held that the writ of mandamus can only be issued where there exists a legal right in favor of the petitioner and a corresponding legal duty

on the part of the respondent to act and infringement of such right or failure of duty on the part of public authorities. (See *Director of Settlements, A.P. v. M.R. Apparao*, (2002) 4 SCC 638).

42. Mr. Dwarkadas, learned senior counsel, next contended that considering the facts of this case, it is necessary to constitute an expert committee to conduct a study and recommend measures to control and regulate the sale of online tickets for major events. While we note the petitioner's concerns, we have already held that it is not within the Court's province to issue directions in matters of policy and legislation. Under the constitutional framework, Articles 245 to 248 vest sovereign legislative power exclusively in the Parliament and State Legislatures, and the judiciary cannot compel these bodies to enact or amend laws in a particular domain. In other words, the doctrine of separation of powers precludes the Court from directing the legislature or the executive to form a specific committee or to pass particular legislation.

43. If the executive or legislature, in its wisdom, deems it appropriate, an expert committee could be constituted by

invoking powers under any enabling statute or even under executive powers, to inquire into and take effective measures on issues affecting the public interest. However, as clarified by the Supreme Court in **Supreme Court Employees' Welfare Assn. (Supra)**, Courts cannot usurp the role of policy-makers by mandating the creation of such bodies. Nor can the courts dictate the manner in which the legislature or executive should exercise their legislative or administrative power/discretion.

44. Consequently, while the matter raised by the petitioner indeed highlights the importance of regulating and overseeing online ticket sales for major events—particularly to address allegations of black marketing, scalping, and revenue loss—judicial deference is required. Any legislative or policy initiative, including the constitution of an expert committee, must emanate from the competent authorities under the constitutional and statutory scheme. Therefore, in view of the settled legal position, we are unable to accede to the petitioner's prayer to constitute an expert committee through judicial intervention. The legislature and the executive remain at liberty to undertake such measures as they deem fit in the public interest.

45. Moreover, in the absence of an existing statutory framework regulating ticket scalping, touting, and black marketing pertaining to major events—or provisions governing the use of bots and regulating primary ticket sellers in the online ticketing industry—this Court cannot issue binding directions or guidelines compelling the creation of such a committee. Our Constitution underscores the principle of separation of powers requiring the judiciary to refrain from overstepping into legislative or executive functions, which include policy formulation and the creation of statutory bodies or committees or framework.

46. We, however, clarify that it shall be open for the appropriate legislature or executive to frame or amend effective laws, rules, and regulations to address the concerns raised by the petitioner, including but not limited to regulating secondary ticket markets, curbing black marketing, and preventing GST evasion under the Goods and Services Tax Act, 2017.

47. The petitioner has further sought directions against respondent Nos. 4 to 8 to co-operate with an Expert Committee and/or Monitoring Committee by providing all

necessary information requisitioned for examining the sale of tickets that took place on 22nd September 2024, particularly with regard to alleged ticket scalping and black marketing. In essence, the petitioner urges this Court to embark upon a speculative inquiry—one that may, in the petitioner’s belief, unearth substantive material concerning ticket scalping and black marketing during the online sale of tickets for the event.

48. The legal position on this issue is well settled. This Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, must refrain from engaging in or compelling a roving or speculative inquiry, particularly where the petitioner has not established a prima facie violation of an existing legal right or shown a corresponding legal duty on the part of the respondents. In *A. Hamsaveni & Ors. v. State of Tamil Nadu*, (1994) 6 SCC 51, the Supreme Court emphasized that petitioner must independently make out a case and cannot rely on judicial process merely to discover evidence in the hope of establishing a claim.

49. Similarly, in *N.K. Singh v. Union of India*, (1994) 6 SCC 98, it was held that speculative or roving inquiries are

unwarranted under the guise of judicial review—particularly when they relate to private or contractual rights, as opposed to a clear violation of constitutional or statutory provisions. The Court noted that Article 226 confers broad powers of judicial review, but these powers do not extend to sanctioning investigations in the absence of a proper legal basis or factual foundation.

50. Reference may also be made to *Ratan Chandra Sammanta v. Union of India*, 1993 Supp (4) SCC 415, wherein the Supreme Court reiterated that a writ of mandamus or any similar order would issue only in favor of a person who possesses an established or legally enforceable right, and not for the purpose of initiating an open-ended inquiry into speculative or unsubstantiated allegations. A court, in exercising its jurisdiction under Article 226, cannot compel the respondents to produce extensive records or to cooperate in a broad investigative exercise in absence of concrete evidence or at least a prima facie infringement of a legal right.

51. Merely seeking an order to compel the respondents to supply information for a committee—when no specific violation of an established right has been shown—falls within

the ambit of a fishing or roving inquiry, which this Court is inclined to disallow in view of the precedents cited.

52. Therefore, in light of the above legal principles, we find no justification to grant such prayer. Unless the petitioner demonstrates a clear legal right, supported by credible evidence of violation of statutory or constitutional provisions, Article 226 of the Constitution does not authorize the Court to embark upon an unbounded inquiry, nor to compel the respondents to disclose information on a purely speculative basis.

53. The next prayer made by the petitioner is contingent on a report of a monitoring committee—if such a committee were constituted by this Court—that, in the event substantial illegalities are found to have taken place in the online sale of tickets, directions be issued for re-convening the online sale of tickets acquired by illegal, unfair, and deceptive acts. In our considered opinion, this prayer is untenable for multiple reasons. Firstly, as discussed, in the absence of a breach of a fundamental right or a clear statutory mandate, this Court is not inclined to constitute such a committee. Secondly, the petitioner has already registered PE No.125 of 2024 before

the Economic Offences Wing (“EOW”) and has alleged commission of offences under Sections 11(2), 318(4), 316(2) read with 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) against respondent Nos. 4 to 6 and their key managerial personnel. Under the newly enacted Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS, 2023)—which governs investigative procedures and delineates powers of investigation—officers of the EOW are enjoined with a duty to conduct a fair and comprehensive inquiry into all allegations set forth in the complaint. If, in the course of investigation, the EOW uncovers sufficient evidence suggesting the commission of a cognizable offence or a prima facie violation under the relevant sections of BNS, 2023, it shall be within their prerogative to take further steps in accordance with BNSS, 2023 or any other law applicable thereto.

54. In light of the above, we see no justification for judicial intervention to re-convene any online ticket sale or to impose further monitoring mechanisms beyond what is already available under the statutory framework. The investigating agency is duty-bound to proceed with the inquiry in accordance with law, and if it finds credible material substantiating the petitioner’s allegations, legal recourse

through the criminal justice system is fully available.

55. For the reasons discussed above, we find no merit in the prayers sought by the petitioner. The issues raised in this petition primarily pertain to matters of policy and legislation, which lie within the exclusive domain of the legislature and the executive. In the absence of a clear statutory framework mandating the reliefs claimed, and given the settled legal position that courts cannot direct the legislature to enact or amend laws in a particular manner, we are unable to accede to the petitioner's prayers. However, in the event that the competent authorities consider it necessary, they remain at liberty to take appropriate legislative or executive measures to address the concerns highlighted by the petitioner.

56. For the aforesaid purpose, it will be open to the petitioner to approach the authority concerned, by way of representing him, for redressal of the grievances raised herein.

57. Accordingly, the writ petition stands dismissed.

58. No order as to costs.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)