



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

**INTERIM APPLICATION (L) NO. 3090 OF 2026**  
**IN**  
**COMMERCIAL IP SUIT NO. 48 OF 2026**

Phonographic Performance Limited ...Applicant/Plaintiff

**Versus**

Hyderabad International Trade  
Expositions Limited and Others ...Respondents/Defendants

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*Dr. Birendra Saraf, Senior Advocate a/w Ms. Apurva Gupte, Mr. Amogh Singh, Mr. Anil Kumar Singh, Mr. Asmant Nimbalkar, Ms. Shikha Dutta, Ms. Chanchal Bhadrach, Mr. Josia Manoharan i/b Mr. D. P. Singh for Plaintiff.*

*Mr. Ashutosh Kane, Ms. Maitri Asher i/b W. S. Kane and Co. for Defendants.*

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**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : FEBRUARY 12, 2026**

**P. C. :**

1. Mr. Kane, learned counsel for Defendants has tendered limited Affidavit only for the purpose of recording an undertaking as stated in Paragraph No. 6 of the said Affidavit without prejudice to the rights and contentions of the Defendants on the merits of the case. Paragraph No. 6 reads as under :

**"6.** I say that notwithstanding the above efforts

which are already being taken by the Defendants, with an intention to allay the apprehensions and concerns of the Plaintiff in the above suit, without prejudice to its rights and contentions, the Defendants agree and undertake to this Hon'ble Court as follows:

**(a)** In the event, Defendant No.1 itself plays or communicates any music/sound recording within its premises, copyright in which is claimed to be owned by a third party such as Phonographic Performance Ltd (Plaintiff herein) or Novex Communication Pvt. Ltd, Defendant No.1 shall first obtain requisite license from the said party before playing or communicating the said music/ sound recording;

**(b)** If a third-party operator organizes an event in the premises of Defendant No.1, Defendant No.1 will impose a condition upon such operator/ organizer that if it wants to play or communicate any music/ sound recording, copyright in which is claimed to be owned by a third party such as Phonographic Performance Ltd (Plaintiff herein) or Novex Communication Pvt. Ltd, the said operator/ organizer shall first obtain requisite license from such party before playing or communicating the said music/ sound recording in the premises of Defendant No.1."

2. Dr. Saraf, learned Senior Advocate appearing for Plaintiff would submit that it is not sufficient that only the condition is imposed on the Defendants without ensuring that the condition is complied with before the sound recordings are played in Defendant's premises.
3. In Paragraph No. 6(b), it is stated that Defendant No. 1 will impose a condition on the organizer/operator to obtain requisite license before playing the sound recordings.
4. The anxiety of the Plaintiff can be met by modifying Paragraph

No. 6(b), to reads as under:

“If third party operator organizes an event in Defendant No. 1 premises, the Defendant No. 1 will ensure that such organizer/operator obtains requisite license before playing or communicating the music/sound recording in the premises of Defendant No. 1.”

5. Needless to clarify that Defendant No. 1 can ensure such compliance when the operator/organizer informs the Defendant No. 1 that it intends to play the sound recordings.
6. A clarification to that effect to be taken by Defendant No. 1 before permitting the operator/organizer to organize the event in the Defendant's premises.
7. In light of undertaking given to this Court, Interim Application stands disposed of.

**[SHARMILA U. DESHMUKH, J.]**