



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

**INTERIM APPLICATION (L) NO.26589 OF 2025
IN
COMMERCIAL IP SUIT NO.562 OF 2025**

VISHAL
SUBHASH
PAREKAR

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Date: 2025.12.18
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Phonographic Performance Limited

...Plaintiff

Versus

Stratospheric Entertainment Private Limited and Ors. ...Defendant

*Mr. Amogh Singh a/w. Mr. Asmant Nimbalkar, Mr. Anil Singh, Mr. Hiten Wasan and Ms. Chanchal Bhadrecha i/b. Mr. D.P. Singh, for the Plaintiff.
Ms. Prakruti Joshi, for the Defendant.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : DECEMBER 17, 2025

P. C. :

1. Interim Application has been preferred seeking an injunction restraining the Defendant, its office bearers and employees etc. from publicly performing or communicating the sound recording of the songs assigned to the Plaintiff or allowing their premises or any premises to be used without obtaining necessary licenses from the Plaintiff.
2. Learned counsel appearing for the Plaintiff submits that since the settlement talks were ongoing, the matter was adjourned to 7th

November, 2025 and in the order of 17th October, 2025 the statement of learned counsel appearing for the Defendant was recorded that the Defendant will not communicate to the public any sound recordings which forms part of the Plaintiff's repertoire and in respect of which the Plaintiff has copyright. Mr. Singh would submit that in spite thereof, when the Plaintiff's representative visited the Defendant's establishment on 18th October, 2025 he found 15 songs played from the Plaintiff's repertoire. He would further point out the specific averments made in the contempt Petition and also the affidavit of the Plaintiff's representative substantiating the said fact. He would further submit that the Defendants have scheduled events on the 24th and 25th December, 2025 and considering the conduct of the Defendants, it is necessary that an interim injunction be granted.

3. Learned counsel appearing for the Defendants would submit that an affidavit in reply has been duly filed. She would further submit that inadvertently on 18th October, 2025, one of the ground staff played the Plaintiff's songs and that was unintentional. She would further submit that the Defendants had already obtained the license from some other entity and they have no intention of playing the Plaintiff's songs.

4. The Defendants were aware that the submission has been made which was accepted as undertaking given to this Court that the

Defendants would not broadcast the Plaintiff's songs. As the settlement talks were going on, the Plaintiff did not press for ad-interim/interim relief at that stage. It is no excuse to say that the songs have been played unintentionally. The fact remains that the Plaintiff's sound recordings were unauthorizedly broadcasted, which is substantiated by affidavit of the Plaintiff's representative. As far as the contempt is concerned, the same will be dealt separately. The conduct of the Defendants would indicate that the Defendants have infringed the Plaintiff's copyright in the sound recordings without obtaining license under Section 30 of the Copyright Act.

5. Considering that the Defendants have planned certain events on 24th and 25th December, 2025 it is *prima facie* probable that the Defendants would infringe the Plaintiff's sound recordings as it has done on 18th October, 2025 despite an undertaking given to this Court.

6. In light of above, as there cannot be any dispute that the Plaintiff holds the copyright in the sound recordings which have been assigned/licensed to the Plaintiff and license is required to be obtained under section 30 of the Copyright Act, a case has been made out for grant of interim relief in terms of prayer clause (a) which reads as under.

(a) That this Hon'ble Court be pleased to issue perpetual order of injunction restraining Defendants, its office bearers, partners, directors, their servants, employees, agents, licensees, representatives, third assignees, management companies, or otherwise and/or any person claiming through them or acting on their behalf, from publicly

performing or in any manner communicating sound recordings assigned and exclusively licensed to the Plaintiff or allowing their premises or any other premises under their control to be used for the said purposes, without obtaining public performance licence from the Plaintiff, or otherwise infringing the copyright in any work owned and protected by the Plaintiff.

7. A copy of the CD to be made available to the learned counsel for the Defendants.
8. List the Application as well as Contempt Petition for further consideration on 12th January, 2026. Ad-interim relief to continue till next date.

[SHARMILA U. DESHMUKH, J.]