



Kavita S.J.

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

INTERIM APPLICATION (L) NO.19115 OF 2024
IN
COMMERCIAL (I.P) SUIT (L) NO.19096 OF 2024

Phonographic Performance Limited

...Applicant/
Plaintiff

Versus

Food Villa Hospitality & Anr.,

...Defendants

Mr. Amogh Singh a/w Mr. Asmant Nimbalkar, Mr. Anil Kumar Singh,
Mr. Neeraj Nawar, Rahul Arora i/b D.P. Singh for the Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 10TH JULY, 2024.

ORDER :

1. Heard the learned counsel for the Applicant / Plaintiff.
2. This Court is informed that the Defendants were served with notice. Affidavit of Service is tendered, which is taken on record.
None appears on behalf of the Defendants.
3. The Plaintiff claims to own and control as licensee the

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public performance rights of around 400 music labels, with more than 45 lakhs of international and domestic sound recordings. It claims to be exclusively entitled to grant licences for communication to the public/public performance of its repertoire of sound recordings under Section 30 of the Copyright Act, 1957. It is stated that the details of such sound recordings are available on its website, as specifically mentioned in Paragraph No.6 of the Complaint.

4. The learned Counsel appearing for the Plaintiff submits that the Plaintiff has been issuing event-specific or annual licences for broadcast of such sound recordings in which, the Plaintiff holds copyrights and assignment deeds have been executed with various third parties in this context.

5. It is alleged that in the premises of the defendant, sound recordings of which, the plaintiff holds copyrights, have been unauthorizedly broadcasted, thereby infringing the rights. The plaintiff has placed on record affidavit of its representative who claimed to have visited the premises of the Defendants on 12th June, 2024, when some of the sound recordings, for which the Plaintiff claims copyright, were allegedly played. A CD is also placed on

record.

6. The Plaintiff had sent a legal notice on 14th June, 2024 to the Defendants to desist from such activities. But, there was no response on the part of the Defendants.

7. Learned Counsel for the Plaintiff has pressed for grant of urgent ad-interim reliefs, for the reason that the actions of the Defendants are resulting in continuous infringement of the copyrights held by the Plaintiff. The learned counsel further states that in the absence of ad-interim relief, the Plaintiff is likely to suffer grave and irreparable loss, due to the continuing infringement of its copyrights. This Court is convinced that balance of convenience is also in favour of the Plaintiff. The Defendants have chosen not to appear before this Court, despite service and hence, ad-interim relief deserves to be granted.

8. In view of the above, there shall be ad-interim relief in terms of prayer clause (a), which reads as follows:

“(a) That pending the hearing and final disposal of this Suit, this Hon’ble Court be pleased to issue an order of injunction against restraining Defendant, its partners,

directors, their servants, employees, agents, assignees, licensees, representatives, third party event management companies, or otherwise and/or any person claiming through them or acting on their behalf from publicly performing or in any manner communicating the sound recordings of the songs assigned and authorised to the plaintiff or allowing their premises or any premises under their control to be used for the said purposes, without obtaining non-exclusive public performance rights in sound recordings from the plaintiff, or otherwise infringing the copyright in any work owned and protected by the Plaintiff.”

9. List the application for further consideration on 29th July, 2024.
10. Ad-interim relief granted by this Court shall continue to operate till next date.

[R.I. CHAGLA, J.]