

ITEM NO.35

COURT NO.9

SECTION XIV

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).3764-3773/2022

(Arising out of impugned final judgment and order dated 01-02-2022 in CO(COMM.IPD-CR) No.3/2021, CO(COMM.IPD-CR) No.6/2021, CO(COMM.IPD-CR) No.7/2021, CO(COMM.IPD-CR) No.8/2021, CO(COMM.IPD-CR) No.9/2021, CO(COMM.IPD-CR) No.10/2021, CO(COMM.IPD-CR) No.11/2021, CO(COMM.IPD-CR) No.12/2021, CO(COMM.IPD-CR) No.13/2021 and CO(COMM.IPD-CR) No.14/2021 passed by the High Court Of Delhi At New Delhi)

THE INDIAN PERFORMING RIGHT SOCIETY LIMITED

Petitioner(s)

VERSUS

ENTERTAINMENT NETWORK (INDIA) LIMITED &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.32208/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. K.V.Vishwanathan, Sr.Adv.  
Mr. Saikrishna, Adv.  
Mr. Munish Mehra, Adv.  
Ms. Ruby S.Ahuja, Adv.  
Mr. Kushal Gupta, Adv.  
Ms. Akanksha Thapa, Adv.  
Ms. Aakriti Vohra, Adv.  
Mr. Jappanpreet Hora, Adv.  
For M/S. Karanjawala & Co., AOR

For Respondent(s) Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. Abhishek Malhotra, Adv.  
Ms. Liz Mathew, AOR  
Mr. Kaizad Irani, Adv.  
Ms. Shilpa Gamnani, Adv.  
Ms. Atmaja Tripathy, Adv.  
Ms. Pritha Suri, Adv.  
Ms. Ira Mahajan, Adv.  
Ms. Vijetha Ravi, Adv.  
Ms. Vasudha Jain, Adv.  
Mr. Vijay Deora, Adv.

Mr. Neel Mason, Adv.  
Mr. Senthil Jagadeesan, AOR  
Mr. Uday Sing Chopra, Adv.

Mr. Mohit D. Ram, AOR  
Mr. Rajul Shrivastav, Adv.  
Ms. Monisha Handa, Adv.

Ms. Apoorva Jain, Adv.  
Mr. Hrishikesh Baruah, AOR

Mr. Mishra Saurabh, Adv.  
Mr. Sagar Chandra, Adv.  
Ms. Urvashi Garg, Adv.  
Mr. Nikhil Chawla, Adv.

Mr. Anuj Bhandari, Adv.  
Mrs. Gayatri Roy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. The petitioner is a Copyright Society registered under Section 33 of the Copyright Act, 1957 (for short, 'the Act'). It has laid challenge to an interlocutory order dated 01.02.2022 passed by the learned Single Judge of the High Court of Delhi in a matter pertaining to the ongoing royalty rate revision as per the statutory licensing scheme under Section 31D of the Act in respect of (a) 'sound recording' and (b) the 'underlying works'. The respondents were concerned about the revision of rates applicable to 'sound recording' only. Learned Single Judge vide the impugned order dated 01.02.2022 resolved not to proceed for the revision of rates for 'underlying works' on the premise that such an issue was *sub judice* in an appeal pending before the Division Bench of the High Court. The said appeal before the Division Bench of the High Court has emanated out of a judgment of the learned Single Judge in CS(OS)666/2006 and other connected matters, as well as the Intellectual Property Appellate Board's (IPAB) order dated 31.12.2020 in OP(SEC-31D)/3/2020/CR/NZ and connected matters.

2. We have heard learned Senior Counsel for the parties briefly.

3. During the course of hearing, we are informed that the appeal before the Division Bench is being heard and is now listed

for further hearing on 30.01.2023. It appears to us that any observation by this Court, is likely to touch upon the merits of the issues, which are pending consideration before the Division Bench or the learned Single Judge of the Delhi High Court as well as the proceedings pending before other Courts where similar or related issues are under consideration.

4. In this view of the matter, we deem it appropriate to dispose of these Special Leave Petitions, without expressing any opinion on merits of the case, with a request to the learned Division Bench of the High Court to take up the appeal at the earliest for its final adjudication. Till such time, the interim order dated 18.04.2022 requesting the learned Single Judge of the High Court to adjourn the matter shall continue to operate. Ordered accordingly.

5. Since the final view to be taken by the learned Division Bench of the High Court will ultimately impact the impugned proceedings pending before the learned Single Judge, it is clarified that the impugned interlocutory order dated 01.02.2022 may not be, for the time being, be treated as a precedent.

6. As a result, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)



Mr. Neel Mason, Adv.  
Mr. Senthil Jagadeesan, AOR  
Mr. Uday Sing Chopra, Adv.

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