



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

INTERIM APPLICATION (L) NO. 4474 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 4398 OF 2026

Phonographic Performance Limited ...Applicant/Plaintiff

Versus

Yashraj Satwara ...Defendant

Mr. Amogh Singh, Mr. Asmant Nimbalkar, Mr. Anil Kumar Singh, Mr. Rahul Arora, Ms. Chanchal Bhadresha i/b Mr. D. P. Singh for Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : FEBRUARY 27, 2026

P. C. :

1. This is an action for infringement of copyright.
2. Mr. Singh, learned counsel appearing for Plaintiff submits that the Defendant has been duly served. He tenders the Affidavit-of-service. The same is taken on record. Today, none appears on behalf of the Defendant.
3. The Plaintiff is the owner/exclusive licensee of the copyright in the sound recordings in its repertoire on the basis of assignment deeds/exclusive agreements executed with several music companies. It is submitted that the Plaintiff is exclusively entitled to grant license for

communication to the public/public performance of its repertoire of sound recordings under Section 30 of the Copyright Act, 1957. Mr. Singh would submit that all assignment deeds/exclusive agreements are available on the Plaintiff's website and in the present case, the Plaintiffs have provided the list of music labels, assignment deeds/exclusive agreement executed with respect of music labels in its repertoire. He submits that only a sample agreement has been appended to the Plaint so as to not burden the record with the deeds of assignment. He would however, submit that the Plaintiff's official website contains the assignment deed as well as the exclusive agreement in favor of Plaintiff, which can be viewed by the general public. He submits that the Plaintiff-company was a registered copyright society under Section 33 of the Copyright Act, 1957 and thereafter, surrendered its registration. He submits that since 2014, the Plaintiff has been issuing license as the owner/license holder of the copyright. He would submit that this Court in the case of **Novex Communications Pvt. Ltd. vs. Trade Wings Hotels Limited**¹ has taken a view that registration as a copyright society is not necessary for purpose of issuing license.

4. He would submit that the Defendant owns a cafe at the address mentioned in the cause-title and is involved in the business of renting

1 Commercial IP Suit No. 264 of 2022 along with group matters, decided on 24th January, 2024.

out their commercial premises for various events. He submits that on 19th October, 2025, the Plaintiff's representative came across a promotional poster for promoting a ticketed Diwali event titled 'Bollywood Diwali Tamasha'. He points out to the promotional pamphlet, which is annexed at Page No. 88 of the Plaint. He submits that on 19th October, 2025 itself, an e-mail was sent to the Defendant informing him about the requirement of securing license from the Plaintiff for playing the Plaintiff's copyrighted sound recordings. He submits that despite the same, the Defendant without obtaining the license played the Plaintiff's copyrighted sound recordings at the said event. He would point out the sound recordings of the Plaintiff played at the event as detailed in paragraph no. 18 of the Plaint.

5. He submits that on 14th November, 2025, cease-and-desist notice was issued to the Defendant by Plaintiff to which, the response by the Defendant was that the said event was private gathering and was exempted under Section 52(1)(za) of the Copyright Act, 1957. Mr. Singh would point out the provisions of Section 52(1)(za) and would submit that the exemption is provided only for religious events and in the present case, this was a Diwali party which was ticketed. He submits that the other ground raised as regards the Plaintiff not being a copyrighted society has already been dealt with by this Court in the case of ***Novex Communications Pvt. Ltd vs. Trade Wings Hotels***

Limited (supra). He submits that on 31st December, 2025, the Defendant has played the Plaintiff's copyrighted sound recordings and points out the Affidavit of its representative. He submits that a suit came to be filed under Section 60 of the Copyright Act, 1957 in the Court at Vadodara by the Defendant. He submits that the proceedings will not come in a way of grant of ad-interim relief by reason of proviso to Section 60 of the Act.

6. I have considered the submissions and perused the record.

7. The Plaintiff's right in the sound recordings is *prima facie* demonstrated from the documents appended to the Plaint. As the owner/exclusive licensee of the copyright in the sound recordings in its repertoire, the Plaintiff is entitled to grant license for communication to the public/public performance of the sound recordings. The assignment deed/exclusive agreement are stated to be uploaded on the Plaintiff's website and are also enclosed to the present plaint in the form of CD. Insofar as the Defendant is concerned, *prima facie*, it can be seen that there is violation of Plaintiff's copyright by virtue of events held on 19th October, 2025 and 31st December, 2025 in the Defendant's premises. There is no reason to disbelieve the Affidavit of representative which has been filed on record. Despite a cease-and-desist notice having been issued to Defendant on 19th October, 2025, the Defendant has proceeded with the holding of event and has played

the Plaintiff's copyrighted sound recordings not only in that event but also subsequently on 31st December, 2025. *Prima facie*, the response to the cease-and-desist notice as regards the Plaintiff not being the copyrighted society is based on the decision of Delhi High Court and this Court has taken a view that for the purpose of grant of license, the Plaintiff need not be a copyright society. As regards the Defendant's contention of Section 52(1)(za), the same has no application to the ticketed events held in the Defendant's premises.

8. In light of above, there is sufficient case made out for grant of ad-interim relief in terms of prayer clauses (a), which reads as under:

“(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 office bearers, 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 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 non-exclusive public performance licence from the Plaintiff, or otherwise infringing the copyright in any work owned and protected by the Plaintiff”

9. Stand over to **1st April, 2026.**

10. Ad-interim relief granted earlier to continue till next date.

[SHARMILA U. DESHMUKH, J.]