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

INTERIM APPLICATION (L) NO. 34177 OF 2024

IN

COMMERCIAL IPR SUIT (L) NO. 34066 OF 2024

Phonographic Performance Limited

...Applicant/  
Plaintiff

*Versus*

Sports Authority of India

...Defendant

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Mr. Amogh Singh a/w Mr. Asmant Nimbalkar, Mr. Neeraj Nawar and  
Ms. Mrunmayee Nagar i/by Mr. Anil Kumar Singh for the Plaintiff.  
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CORAM : R.I. CHAGLA J

DATE : 12 November 2024

ORDER :

1. The learned Counsel appearing for the Applicant/Plaintiff has sought urgent *ad-interim* relief on the ground that the Respondent/Defendant is organizing an event “Horn Ok Please” on 16th and 17th November 2024 at the premises of Jawaharlal Nehru Sports Stadium owned/operated/managed by the Respondent and which is apparent from the websites of insider.in and Instagram social platforms.

2. The learned Counsel appearing for the Applicant has referred to the websites of the insider.in and Instagram, which is annexed at Exh.H to the Plaint. He has further referred to the fact that the Respondent has indulged in acts of infringement of copyright of sound recordings belonging to the Applicant at an earlier event held on 28th and 29th September 2024, where they played the sound recordings belonging to the Applicant without obtaining licence from the Applicant. This was at the very same premises, namely Jawaharlal Nehru Sports Stadium.

3. The learned Counsel appearing for the Applicant has also referred to the cease and desist notices which were issued on 27th September 2024 and on 8th November 2024 calling upon the Respondent to cease and desist from infringing the copyright of the Plaintiff by communicating the Applicant's sound recordings at the event held by the Respondent.

4. I have considered the submissions of the learned Counsel for the Applicant and noted that the Defendant has been served by e-mail and Affidavit of Service dated 12th November 2024 is tendered and taken on record.

5. In spite of service, none appears for the Defendant.
  
6. Further, the Defendant has failed to respond to the aforementioned cease and desist notices issued by the Plaintiff.
  
7. I am of the *prima facie* view that the Respondent is indulging in infringing the copyright of the Applicant in the sound recordings of belonging to them, which requires to be enjoined.
  
8. Further, unless the Respondent is restrained from playing sound recordings of the Plaintiff without obtaining licence of the Plaintiff at said event to be held on 16th and 17th November 2024, the Respondent will once again infringe the Applicant's copyright in the sound recordings.
  
9. In view thereof, *ad-interim* relief is granted in terms of prayer clause (a), which reads thus :-

*“(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 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;”*

10. The Advocate for the Applicant/Plaintiff shall serve notice of this order on the Respondent/Defendant and file Affidavit of Service prior to the next date.

11. Interim Application shall be placed for further consideration on 28th November 2024.

12. Parties to act on authenticated copy of this order.

**[R.I. CHAGLA J.]**