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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 770/2023, I.A. 21134/2023**
NOVEX COMMUNICATIONS PRIVATE LIMITED

..... Plaintiff

Through: Mr. Chander Lall, Sr. Adv. with Mr.
Jasdeep Singh, Mr. Anirudh Jamwal &
Mr. Yugantar Singh Chauhan, Advs.

versus

BHARAT HOTELS LIMITED & ANR.

.... Defendant

Through: Ms. Purnima Maheshwari, Ms. Srishty
Kaul, Mr. Harish Nadda and Mr. Anant
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **07.02.2024**

I.A. 1448/2024 (under Order XXXIX Rule 2A CPC)

1. Pursuant to previous order dated 19th January, 2024, counsel for defendant states that they have submitted a response to the said application filed by the plaintiff under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908.
2. Mr. Nitin Chandra, officer from defendant no.1, is also present in the Court.
3. Counsel for defendant no.1 draws attention to their response that states that the hotel, on a consistent basis, wherever it is necessary as per applicable laws and rules, takes a license from plaintiff for various events that are held in the hotel.
4. Plaintiff's grievance is in relation to an event which was held on 03rd



December, 2023. As per plaintiff's investigation, said event was a cocktail party for Sakshi and Rushil, and was held in the banquet hall 'Regal' of the hotel.

5. Counsel for defendant states that the event was part of a wedding function and, therefore, exempted under Section 52(1)(za) of the Copyright Act, 2013 read along with Notification dated 24th July, 2023 issued by the Department for Promotion of Industry and Internal Trade (DPIIT), which reiterates the above mentioned provision and directs copyright societies to refrain from any act which contravenes the said provision.

6. Mr. Chander Lall, Senior Advocate for plaintiff, refutes defendant's submissions as regards the interpretation of Section 52(1)(za), Copyright Act, 2013.

7. Considering the doubt which has been raised by Senior Counsel for plaintiff, on the nature of the event and the application of the said provision on the event, counsel for defendant seeks time to place further documents on record in order to support her arguments that it was a wedding/pre-wedding event.

8. She may file these documents within the next three weeks, with copies to the opposing side, who may file a response thereafter, if so required.

9. Mr. Nitin Chandra, officer from defendant no.1, is exempted from appearance on the next date of hearing.

10. List on 13th May, 2024.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 7, 2024/rj