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

+ **CS(COMM) 770/2023, I.A. 21134/2023 & I.A. 1448/2024**

NOVEX COMMUNICATIONS PRIVATE LIMITED Plaintiff

Through: Mr. Chander Lall, Sr. Advocate with
Mr. Anirudh Jamwal and Mr. Abhinav,
Advocates.

versus

BHARAT HOTELS LIMITED & ANR. Defendants

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

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **13.05.2024**

1. Pursuant to the order of 07th February, 2024, relevant documents have been filed by defendant on 27th February, 2024, which are on record.
2. The said documents are supported by an affidavit of Mr. Prateek Gupta, proprietor of Golden Dove Event, the Event Manager for the wedding functions of Ms. Sakshi and Rushil held at the defendant's hotel on 03rd and 04th December, 2023.
3. The said documents have reproduced a card of the wedding reception on 04th December, 2023, as well as, a celebration and dance evening on 03rd December, 2023, along with photographs of the event etc.
4. The said documents are also supported by an affidavit of Nitin Chandra, officer of the defendant hotel confirming that the event held on 03rd December,



2023, was a pre-wedding cocktail function booked by event management company, Golden Dove Events. The Banquet Reservation Agreement, dated 30th December, 2023, was already on record.

5. Counsel for defendant, in light of these documents, reiterates the submission made on 07th February, 2024, that the said function will be exempted under Section 52 (1), (za) of the Copyright Act, 2013 (hereinafter referred to as “**the Act**”), read along with the notification dated 24th July, 2023, issued by the Department of Promotion of Industry and Internal Trade (“**DPIIT**”).

6. Mr. Chander Lall, Senior Counsel for the plaintiff, however, seeks time to place further evidence on record to counter the defendant's documents, in that, he states that the said function on 03rd December, 2023, was not a wedding function and was a function which was independent of the wedding.

7. He further seeks to rely upon an interpretation of Section 52 (1) (za) of the Act in that the exemption can only be granted to the main wedding function and not to the pre and post wedding functions, for which he seeks to place his submissions.

8. Both parties may file a two-page note on the issue of interpretation of Section 52(1)(za) of the Act, within a period of 6 weeks from today, after exchanging copies with the opposing side.

9. This issue will be considered on the next date.

10. List on 21st August, 2024.

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

ANISH DAYAL, J

MAY 13, 2024/RK/ig