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

+ **CS(COMM) 1410/2025**

**THE INDIAN PERFORMING RIGHT SOCIETY
LIMITED**

.....Plaintiff

Through: Ms. Swati Sukumar, Senior Advocate
with Mr. Mukul Kochhar & Ms.
Kanupriya Sabharwal, Advocates

Versus

MJ BIZCRAFT LLP

.....Defendant

Through: None.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER
23.12.2025**

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I.A. No.32603/2025 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. No.32602/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 ("CC Act").
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,



2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.

5. The Application stands disposed of.

IA No.32605/2025 (seeking leave to place on record a pen drive)

6. The Plaintiff has filed the present Application under Section 151 of the Code of Civil Procedure, 1908 (“CPC”) seeking permission to place on record a pen drive containing recording of the Defendants event “Deep Jandu New Year Event” along with supporting affidavit.

7. In the facts and circumstances as stated in the Application, the same is allowed. The pen drive be taken on record.

8. Accordingly, the Application stands disposed of.

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9. Let the Plaint be registered as a Suit.

10. Issue Summons. Let the Summons be served to the Defendant through all permissible modes including *dasti* upon filing of the Process Fee.

11. The Summons shall state that the Written Statement shall be filed by the Defendant within 30 days from the date of the receipt of Summons. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.

12. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.



13. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

14. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 25.02.2026 for completion of service and pleadings.

IA No.32604/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

16. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

17. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

18. Accordingly, the Application stands disposed of.

IA No.32601/2025 (U/O XXXIX Rules 1 & 2 of CPC)

19. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

20. The Plaintiff have filed the present Suit, *inter alia*, seeking permanent injunction restraining the Defendant from infringement and unauthorized use of their copyrighted works.

21. The learned Senior Counsel for the Plaintiff made the following submissions:

21.1 The Plaintiff is a Copyright Society registered under the Copyright Act, 1957 (“Act”). The Plaintiff monitors, protects and enforces the rights, interests and privileges of, *inter alia*, its members comprising of Authors /



Lyricists, Music Composers and Publishers of literary and/or musical Works.

21.2 The Defendant, MJ Bizcraft LLP, is a limited liability partnership having its registered office in New Delhi. The Defendant is engaged in the business of hospitality, including the operation and management of restaurant, bar, lounge and premium night club under the brand 'PRIVEE'.

21.3 The Defendant, without obtaining a license or paying the requisite statutory royalty, unlawfully engages in publicly communicating / performing the literary and musical works forming part of the Plaintiff's repertoire (“**Plaintiff’s Repertoire**”).

21.4 One such act of infringement occurred during a public event titled “Deep Jandu New Year Event” (“**New Year Event 2024**”) organised by the Defendant on 31.12.2024, held at its ‘PRIVEE’ premises, which featured the artist Deepjot Singh, also known as Deep Jandu. Since Deep Jandu is a member of the Plaintiff’s Copyright Society, the Plaintiff apprehended that the New Year Event 2024 involved the underlying literary and musical works, which form part of the Plaintiff's Repertoire.

21.5 The Plaintiff, upon learning of the Defendant's New Year Event 2024, made repeated efforts to inform the Defendant of the requirement to obtain a public performance license for the use of copyrighted works from Plaintiff's Repertoire. These efforts included a formal demand letter dated 24.12.2024, enclosing a royalty estimate for the said event amounting to INR 1,20,345/- (Rupees One Lakh Twenty Thousand Three Hundred Forty-Five Only), and a legal notice issued through its counsels on December 31, 2024. However, despite clear and multiple communications, the Defendant failed to respond to any of them and wilfully proceeded with the New Year Event 2024.



21.6 Similarly, the Defendant has scheduled another New Year's event titled "New Year Eve -- Avvy Sra and Kiran Bajwa" ("**New Year Event 2025**") on 31.12.2025. This event will shall entail the exploitation of literary and musical works through live public performances without obtaining the mandatory license from the Plaintiff or payment of royalties, in clear violation of the Act.

21.7 In order to avoid repetition of infringement akin to the previous year's event, for the upcoming New Year Event 2025, the Plaintiff issued a letter dated 28.11.2025, and a formal demand letter dated 17.12.2025, enclosing a Royalty (License) Fee Estimate amounting to INR 88,500/- (Rupees Eighty-Eight Thousand Five Hundred Only).

21.8 However, the Defendant is again proceeding to organise the New Year Event 2025 without obtaining a valid public performance license, thereby ignoring all correspondences from the Plaintiff.

21.9 The present Suit is also in the nature of a *quia timet* action, as there exists a real and imminent threat of continuing infringement by the Defendant. The Plaintiff has a reasonable and well-founded apprehension that the Defendant will repeat its acts of infringement in the New Year Event 2025 scheduled on 31.12.2025, involving further unauthorized public performance and communication to the public of musical and literary works forming part of the Plaintiff's Repertoire. This apprehension is substantiated by the Defendant's demonstrated past conduct of wilful infringement during the New Year Event 2024, its continued refusal to comply with statutory licensing requirements despite repeated communications, in addition to the fact that Avvy Sra, the performing artist at the upcoming event, is a member of the Plaintiff's Copyright Society.



22. The Plaintiff is the owner of Copyright in various literary and musical works forming a part of the Plaintiff's Repertoire. Any unlicensed or unauthorised usage of the Plaintiff's literary or musical works forming part of the Plaintiff's Repertoire is in clear violation of the protection accorded to the owner of Copyright under the Act.

23. Having considered the submissions advanced by the learned Senior Counsel for the Plaintiff, the pleadings and the documents placed on record, it is *prima facie* evident that there is likelihood of the violation of its copyrighted works in the upcoming New Year Event 2025 by way of unlicensed or unauthorized use of the Plaintiff's literary or musical work which form a part of the Plaintiff's Repertoire.

24. Given that akin to the New Year Event 2024, the Defendant's New Year Event 2025 features one of the members of the Plaintiff's Copyright Society, in addition to the Defendant's unresponsive conduct to the Plaintiff's correspondence regarding payment of royalty for both the events, the Plaintiff has established a *prima facie* case and balance of convenience is in favour of the Plaintiff. To avert any loss to the Plaintiff, it is appropriate to direct deposit of estimated license fee before this Court before the Defendant's New Year Event 2025 scheduled to be held on 31.12.2025.

25. Accordingly, till the next date of hearing, the Defendant is directed to deposit the amount of Rs. 88,500/- (Rupees Eighty-Eight Thousand Five Hundred Only) with the Registrar General of this Court, failing which, the Defendant, its directors, proprietors, principal officers, servants, agents, assigns, representatives and all others acting for and on its behalf are restrained from either engaging public in or themselves authorizing performance / communication to the public of the Plaintiff's Repertoire of



literary and musical works at its New Year Event 2025 scheduled to be held on 31.12.2025, in any form or manner whatsoever including as part of sound recordings, without securing license / authorization from the Plaintiff, or doing any other act amounting to infringement of the Plaintiff's Copyright in the Plaintiff's Repertoire.

26. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

27. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

28. List before this Court on 29.04.2026.

29. *Dasti* under the signature of the Courtmaster.

TEJAS KARIA, J

DECEMBER 23, 2025

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