

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

INTERIM APPLICATION (L) NO. 9428 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 9157 OF 2026

Novex Communications Private Limited

...Applicant/
Plaintiff

Versus

Hindva Hospitality LLP And Anr.

...Defendants

Mr. Rashmin Khandekar a/w Mr. Kunal Parekh, Ms. Nirali Atha, Ms. Riti Gada i/b Dua Associates, for the Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : April 07, 2026

P. C. :

1. This is an action for infringement of copyright. None appears for the Defendant though served. The copy of affidavit of service is tendered and taken on record.
2. The Applicant/Plaintiff is a company established in the year 2002 and holds copyright of large repertoire of sound recordings which are exploited by the Plaintiff *inter alia* by granting non-exclusive on-ground public performance rights of such sound recordings.
3. Mr. Khandekar, appearing for Applicant/Plaintiff submits that the details of the assignment in favor of the Applicant/Plaintiff being voluminous are contained in respective schedule and separately annexed in CD/pen drive, which is appended to the plaint. He would

also point out the screenshot of the relevant pages of the Applicant/Plaintiff's website where the Applicant/Plaintiff's copyrighted sound recordings are listed. He would submit that the Applicant/Plaintiff is entitled to grant non-exclusive license and to charge necessary license fees.

4. Mr. Khandekar would submit that the Applicant/Plaintiff learnt about an event named "31st New Year Party" which was held on the Defendant's premises in the intervening night of 31 December 2025 and 1 January 2026. He points out paragraph 22 of the plaint, which sets out the sound recordings which were played from the Applicant/Plaintiff's repertoire without any license. He submits that the representative of the Applicant/Plaintiff had physically visited the Defendant's premises and recorded the infringing acts on a mobile handset and thereafter converted the same into a DVD. He points out to the affidavit of the Applicant/Plaintiff's representative, which is annexed at page 319 of the plaint. He submits that, considering the past infringement, there is an apprehension that the Defendant, which operates a hotel, would be infringing the Applicant/Plaintiff's copyrighted songs at events which are held in the hotel, as has been done in the past. He submits that the Defendant has been duly served and tenders the affidavit of service, which is taken on record.

5. The Applicant/Plaintiff's copyright in the sound recordings is

prima facie demonstrated from the material which is placed on record, and the assignments in favour of the Applicant/Plaintiff are appended to the plaint in the form of CD/pen drive. A *prima facie* perusal of the affidavit of the Applicant/Plaintiff's representative makes it evident that the Defendant had infringed the Applicant/Plaintiff's copyright by communicating the sound recordings which are set out in paragraph 22 of the plaint on 31 December 2025 and 1 January 2026. Therefore, there is a basis for the apprehension expressed by the Applicant/Plaintiff that in future also the Defendant, which runs a hotel, would infringe the plaintiff's subsisting copyright in the sound recordings.

6. In light of the above, a case has been made out for grant of ad-interim relief in terms of prayer clause (a), which reads as under.

that pending the hearing and final disposal of this Suit, this Hon'ble Court be pleased to issue a temporary order of injunction against restraining Defendants, its directors, their servants, employees, agents, assignees, licensees, representatives, 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 or otherwise infringing the copyright in any work owned and protected by the Plaintiff;

7. Stand over to **6th May, 2026.**

8. Ad-interim relief granted to continue till the next date.

[SHARMILA U. DESHMUKH, J.]