



16 ia(l)13646-2025-BHC-OS:11929

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

INTERIM APPLICATION (L) NO. 13646 OF 2025
IN
COMMERCIAL IP SUIT (L) NO.11705 OF 2025

Phonographic Performance Limited

... Applicant.

Versus

Urban Mayabazar and Ors.

... Defendants.

Mr. Amogh Singh a/w. Mr. Aditya Upadhyay, Ms. Mani Malar, Ms. Jeenal Upadhyay for the Applicant/Plaintiff.

Coram : Sharmila U. Deshmukh, J.

Date : August 08, 2025

P.C.:

1. This is an action for infringement of copyright of sound recordings. The Plaintiff is the owner of the copyright in the sound recordings in its repertoire on the basis of assignment/s exclusive agreements in its favour by several music companies and thus entitled to grant licenses to communication to the public of its repertoire of sound recordings under Section 30 of the Copyright Act, 1957. Mr. Singh submits that Defendant No.1 is the partnership firm which owns and operates three renowned restaurants and bar in name and style of "URBAN MAYABAZAR", "URBAN BEATS FAMILY BAR & KITCHEN" AND "URBAN JAATHARA" at Hyderabad and Telangana.



2. He submits that the Plaintiff's song recordings are continuously played/communicated to the public at large on a daily basis in the Defendant's premises and at the various events which are hosted by the Defendant and on various occasions, the representatives of the Plaintiff have requested the Defendants to obtain license. Upon being aware of a New Year event being held on 31st December, 2024, the Plaintiff addressed a communication to the Defendants calling upon them to obtain license for communicating sound recordings during the said events, which remain unresponsive. He submits that representative of the Plaintiff attended the event on 31st December, 2024 and found that the sound recordings of the Plaintiff were being commercially exploited which has been video recorded. He submits that subsequently on 3rd February, 2025, notice was issued which also remained unresponsive. He tenders a copy of an advertisement issued by the Defendant about an event which is expected to be hosted today at 8:00 p.m. and submits that there is an apprehension that the Plaintiff's sound recordings will be communicated to the public at this event.

3. *Prima facie*, the Plaintiff's right to issue licenses for public performance of the sound recordings based on the exclusive copyright assigned to it by the various music labels is demonstrated from the agreements specified in the plaint. The communication of



30th December, 2024 by the Plaintiff in anticipation of the New Year event which was likely to be hosted by the Defendant specifically called upon the Defendant to obtain license for communicating a sound recordings, and despite the specific notice being issued, the Defendant No.1 has failed to procure the license. The affidavit of Plaintiff's representative *prima facie* demonstrates that in the event hosted on 31st December, 2024, the Plaintiff's sound recordings were being unauthorized broadcasted. The legal notice sent on 3rd February, 2025 has not been responded which *prima facie* indicates an acceptance of the contents of the said notice in respect of infringement of the Plaintiff's copyrighted sound recordings.

4. In light of the above, a case has been made out for grant of ad-interim relief in terms of prayer clause (a), particularly considering that despite service, none appears on behalf of the Defendant. Ad-interim relief is granted in terms of prayer clause (a), which reads under:

“a) That pending the hearing and final disposal of this Suit, this Hon'ble Court be pleased to issue an order of injunction restraining the Respondents, its partners, directors, 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 transferred to the Applicant or allowing their premises or any premises under their control to be used for the said purpose, without obtaining non-exclusive public performance rights/license in sound recordings from the Applicant or otherwise infringing the copyright in any work owned and protected by the Applicant;”

5. List the Application on **17th September, 2025.**
6. Ad-interim relief granted earlier to continue till the next date.

[Sharmila U. Deshmukh, J.]