

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

INTERIM APPLICATION NO. 2962 OF 2022
IN
COMMERCIAL IP SUIT NO. 332 OF 2021

Dassault Systems India Pvt. Ltd. ...Applicant

Vs.

Novex Communications Pvt. Ltd. ...Defendant

WITH
INTERIM APPLICATION (L) NO. 5368 OF 2021
IN
COMMERCIAL IP SUIT NO. 264 OF 2022
WITH
INTERIM APPLICATION (L) NO. 5417 OF 2021
IN
COMMERCIAL IP SUIT NO. 332 OF 2021
WITH
INTERIM APPLICATION (L) NO. 5880 OF 2021
IN
COMMERCIAL IP SUIT NO. 267 OF 2022
WITH
INTERIM APPLICATION (L) NO. 21044 OF 2021
IN
COMMERCIAL IP SUIT NO. 332 OF 2021
WITH
INTERIM APPLICATION (L) NO. 21046 OF 2021
IN
COMMERCIAL IP SUIT NO. 264 OF 2022
WITH
INTERIM APPLICATION (L) NO. 21116 OF 2021
IN
COMMERCIAL IP SUIT NO. 267 OF 2022
(Serial No.11)

WITH
INTERIM APPLICATION (L) NO. 35266 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 35265 OF 2022
(Serial No.12)

Phonographic Performance Ltd. ...Applicant
Vs.
Xeco Media LLP and Ors. ...Defendants

WITH
INTERIM APPLICATION (L) NO. 36383 OF 2022
IN
COMMERCIAL IP SUIT NO. 40 OF 2023
(Serial No.14)

Phonographic Performance Ltd. ...Applicant
Vs.
FML Hospitality Private Limited ...Defendants

WITH
INTERIM APPLICATION (L) NO. 36568 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 36565 OF 2022
(Serial No.15)

Phonographic Performance Ltd. ...Applicant
Vs.
The Byke Hospitality Ltd. ...Defendant

WITH
INTERIM APPLICATION (L) NO. 36786 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 36785 OF 2022
(Serial No.16)

Phonographic Performance Ltd. ...Applicant
Vs.

Siddhivinayak Hospitality

...Defendant

WITH
INTERIM APPLICATION (L) NO. 36788 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 36787 OF 2022
(Serial No.17)

Phonographic Performance Ltd.

...Applicant

Vs.

Snow World Entertainment

...Defendant

WITH
INTERIM APPLICATION (L) NO. 37134 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 37130 OF 2022
(Serial No.18)

Phonographic Performance Ltd.

...Applicant

Vs.

TBSE Hotels Private Limited

...Defendant

WITH
INTERIM APPLICATION (L) NO. 37367 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 37362 OF 2022
(Serial No.19)

Phonographic Performance Ltd.

...Applicant

Vs.

Mayfair Hotels and Resorts Ltd.

...Defendant

WITH
INTERIM APPLICATION (L) NO. 37970 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 37964 OF 2022
(Serial No.22)

Phonographic Performance Ltd. ...Applicant
Vs.
Sai Skills (Kalamandir) Limited ...Defendant

WITH
INTERIM APPLICATION (L) NO. 37992 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 37987 OF 2022
(Serial No.23)

Phonographic Performance Ltd. ...Applicant
Vs.
Vedic Resorts and Hotels Pvt. Ltd. ...Defendant

WITH
INTERIM APPLICATION (L) NO. 38379 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 38377 OF 2022
(Serial No.24)

Phonographic Performance Ltd. ...Applicant
Vs.
Adyar Gate Hotels Ltd. ...Defendant

WITH
INTERIM APPLICATION (L) NO. 38673 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 38666 OF 2022
(Serial No.25)

Phonographic Performance Ltd. ...Applicant
Vs.
Gujarat JHM Hotels Limited ...Defendant

WITH
INTERIM APPLICATION (L) NO. 38713 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 38712 OF 2022

(Serial No.26)

Phonographic Performance Ltd.	...Applicant
Vs.	
Coral Reef	...Defendant

**WITH
INTERIM APPLICATION (L) NO. 39449 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 39446 OF 2022
(Serial No.27)**

Phonographic Performance Ltd.	...Applicant
Vs.	
Ambuja Neotia Holdings Pvt. Ltd.	...Defendant

**WITH
INTERIM APPLICATION (L) NO. 39544 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 39541 OF 2022
(Serial No.28)**

Novex Communications Pvt. Ltd.	...Applicant
Vs.	
Percept Live Private Limited	...Defendant

**WITH
INTERIM APPLICATION (L) NO. 39863 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 39861 OF 2022
(Serial No.29)**

Novex Communications Pvt. Ltd.	...Applicant
Vs.	
Ramani Hotels Limited and Anr.	...Defendants

**WITH
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS**

SUITS 123 OF 2019 (Serial No.42)

Phonographic Performance Ltd. ...PETITIONER
V/S
Welcom Hotel Rama International
(itc) & Ors.RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 343 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 119 OF 2019**

Phonographic Performance Ltd. ...PETITIONER
V/S
Corum Hospitality And 4 OrsRESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 332 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 116 OF 2019**

Phonographic Performance Ltd ...PETITIONER
V/S
Mykonos Blu And 4 OthersRESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 344 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 120 OF 2019**

Phonographic Performance Ltd ...PETITIONER
V/S
British Brewing Company Pvt Ltd & Ors.RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 352 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 114 OF 2019**

Phonographic Performance Ltd	...PETITIONER
V/S	
Ymca International Centre And 4 Ors	RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 354 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 122 OF 2019**

Phonographic Performance Ltd	...PETITIONER
V/S	
Neon The Disc And Others	RESPONDENT

**WITH
NOTICE OF MOTION (SUITS) NO. 340 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 115 OF 2019**

Phonographic Performance Ltd.	...PETITIONER
V/S	
J W Marriott And 4 Ors.	RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 353 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS**

SUITS 124 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
Titos Resorts And Hospitalities
Pvt. Ltd. & Ors.RESPONDENTS

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 337 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 131 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
K-2 Club And Lounge And 5 OrsRESPONDENT

WITH
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS NO. 914 OF 2018

Phonographic Performance Ltd.PETITIONER
V/S
The Vision Group (the Crown) And 6 OrsRESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1727 OF 2018
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 938 OF 2018

Phonographic Performance Ltd.PETITIONER
V/S
City Organisers Pvt. Ltd. And 9 OthersRESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1721 OF 2018
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 914 OF 2018**

Phonographic Performance Ltd.PETITIONER
V/S
The Vision Group (the Crown) And 6 OrsRESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1741 OF 2018
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 966 OF 2018**

Phonographic Performance Ltd.PETITIONER
V/S
Nyati Hotels And Resorts Pvt Ltd. & Ors.....RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1729 OF 2018
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 951 OF 2018**

Phonographic Performance Ltd. ...PETITIONER
V/S
Deligent Hotel Corporation Pvt. Ltd.& Ors.....RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1793 OF 2018**

In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 1051 OF 2018

Phonographic Performance Ltd.PETITIONER
V/S

Avion Hospitality Pvt. Ltd. And 12 Ors.RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 1726 OF 2018

In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 922 OF 2018

Phonographic Performance Ltd.PETITIONER
V/S

Hotel Babylon International & Group & Ors....RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 699 OF 2019

In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 345 OF 2019

Phonographic Performance LtdPETITIONER
V/S

Bar District 6 Pub Brewery And Kitchen
Prism Infracon Ltd And 18 OrsRESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 728 OF 2019

In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 359 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
Moksh Lounge And 35 Ors.RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 621 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 291 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
Farzi Cafe And 22 Ors.RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 620 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 290 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
Health View Resort Pvt. Ltd. (keys Hotel)
And 27 Ors. ...RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 701 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 347 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S

The Ravzi And 30 Ors.

....RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 702 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 350 OF 2019**

Phonographic Performance Ltd
V/S

....PETITIONER

Pragathi Resorts And 23 Ors

....RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 709 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 343 OF 2019**

Phonographic Performance Ltd.
V/S

....PETITIONER

Hotel Radisson Chandigarh And 81 Ors.RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 645 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 303 OF 2019**

Phonographic Performance Ltd.
V/S

....PETITIONER

Nocturne And 15 Ors.

....RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 619 OF 2019**

**In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 304 OF 2019**

Phonographic Performance Ltd PETITIONER
V/S
Orbis The Passion Hotels And 13 Ors RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 616 OF 2019**

**In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 292 OF 2019**

Phonographic Performance Ltd. PETITIONER
V/S
Hotel Madhuban And 19 Ors. RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 576 OF 2019**

**In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 145 OF 2019**

Phonographic Performance Ltd PETITIONER
V/S
Balaji Agora Mall And 38 Ors RESPONDENT

**WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 617 OF 2019**

**In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 306 OF 2019**

Phonographic Performance Ltd. PETITIONER

V/S
Hotel Hilton And 10 Ors.RESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 651 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 319 OF 2019

Phonographic Performance LtdPETITIONER
V/S
Renaissance Lucknow And 31 OrsRESPONDENT

WITH
NOTICE OF MOTION IN COMMERCIAL DIVISION
MATTERS NO. 652 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 321 OF 2019

Phonographic Performance Ltd.PETITIONER
V/S
Fortune Select Regina And 3 Ors.RESPONDENT

WITH
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS NO. 221 OF 2021

Phonographic Performance LtdPETITIONER
V/S
Tata Starbucks And 2 OrsRESPONDENT

WITH
INTERIM APPLICATION NO. 1912 OF 2019
In
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS
SUITS 221 OF 2021

**WITH
INTERIM APPLICATION (L) NO. 39450 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 39448 OF 2022
(Not on board. Taken on board.)**

Sr.No.11,12,14,15,16,17,18,19,22,23,24,25,26,27,28,29,42 and 43

Mr.Ashish Kamat a/w Mr.Rashmin Khandekar, Mr.Kunal Parekh,
Ms.Nirali Shah i/b Dua Associates for Plaintiffs in COMIP
No.332/2021 ,COMIPNO.264 AND 267/2022

Mr.Tushad Kakalia a/w Mr.Hormuz Mehta i/b JSA for Applicant
in I.A.No.2962/2022 and for defendant No.2 in
COMIPNo.332/2021

Mr. Amit Jamsandekar a/w. Mr. Saiprasad, Mr. V. Kamat,
Ms.Archita Gharat, for the Defendant in COMIP/264/2022 and
for respondent in I.A(L)Nos.5368 and 21046/2021

Mr.Sharan Jagtiani,Senior counsel a/w Mr.Amogh Singh,
Mr.Asmant Nimbalkar, Ms.Malar, Mr.Hero Ramchandani,
Mr.Neeraj Nawar and Mr.Josiah Manoharan i/b D.P.Singh for
Applicant/Plaintiff in COMIP(L)NO.36565/2022 and COMIP
No.221/2021

Mr.Amogh Singh a/w Mr.Asmant Nimbalkar, Ms.Malar ,
Mr.Hero Ramchandani, Mr.Neeraj Nawar and Mr.Josiah
Manoharan i/b Mr.D.P.Singh for the Applicant/ Plaintiff in
COMIP(L)NO.35265/2022,COMIPNO.40/2023,
COMIP(L)NO.36785, 36787,37130,37362,37964, 37987,
38377, 38366, 38712,39446, 38360/2022, COMIPNOS., 922,
938,951 966, 1051/2018, COMIPNO.S.114,115,116, 117,118,
119,120,121,122,123, 124,126,127,131,145, 290,291, 292, 303,
304,306,321, 343, 345, 347, 350, 358,359,363 /2019 AND
COMIPNO.221/2021 and all contempt petitions

Mr.A. Pandit for defendants in COMIP(L)No.38666/2022

Mr.Rashmin Khandekar a/w Ms.Apurva Manwani, Mr.Kunal Parekh, Ms.Nirali Shah i/b Dua Associates for the Plaintiff/Applicant in COMIP(L)NOs.39541,/2022 with I.A.(L)No.39544/2022

Mr.Rajesh Kanojia a/w Ms.Nitika Singh i/b Res Juris for defendant in COMIP(L)No.39541/202

Mr.Rashmin Khandekar a/w Mr.Kunal Parekh and Ms.Nirali Shah i/b Dua Associates for the Plaintiff/Applicant in COMIP(L)NO.39861/2022 WITH I.A.(L)No.39863/2022

Mr.Vaibhav Charalwar a/w Mr.Amol Bavare i/b Pragnya Legal for the defendants in COMIP(L)No.39861/2022

Mr.Ashish Kamat a/w Mr.Amogh Singh, Mr.Asmant Nimbalkar, Ms.Malar, Mr.Hero Ramchandani, Mr.Neeraj Nawar and Mr.Josiah Manoharan i/b D.Psingh for Applicant/Plaintiff in COMIPNO.914/2018 with NMCD No.1793/2018

Mr.Vivek Truman i/b ANM Global for defendan Nos.1 to 3 in COMIP (L)No.35265/2022

Mr.Aakash Joshi i/b Muralidhar Khadilkar i/b Murlidhar Khadilkar for defendant in COMIP NO.40/2023

Mr.Veerendra Tulzapurkar,Senior counsel a/w Mr.Sameer Pandit, Ms.Sarrah Khambati and Mr.Anuj Jain i/b Wadia Ghandy & Co. For defendants in COMIP(L)NO.36565/2022

Mr.Prasad Shenoy a/w Mr.Abhishek Salian i/b Vidhi Partners for defendant No.1 in COMIP(L)NO.37362/2022

Mr.Madhu Gadodia a/w Mr.Deepak Deshmukh, Mr.Sajoy Mukherji, Ms.Nisha Kaba and Ms.Tarini Kulkarni i/b Naik Naik & Co for defendant No.1 in COMIP(L)No.37964/2022

Ms.Shreya Zinzuradia i/b Suvarna Joshi for defendants in

COMIP(L))No.38377/2022

Mr. Rajiv Narula a/w Ms.Mahek Choudhary i/by. Jhangiani and Narula & Associates for defendant in COMIP (L)No.36785/2022,for Defendant No.1 in COMIPNo.117/2019 with NMCD/331/2019, for defendant No.47 in COMIPNo.97 of 2019 with NMCD No.725/2019 and for Defendant No.1,1A to 1E in COMIPNo.291/2019 with NMCD No.621/2019

Dr.Virendra Tulzapurkar, Senior counsel a/w Mr.Amit Jamsandekar, Ms.Mahua Roy Chowdhury, Mr.Akshay Kapadia, Vidit Desai and Ms.Ruhi Pawar i/b Royzz & Co. For Applicant in I.A.(L)No.2633/2021(Summary Judgment) and for defendant No. 1 in COMIPNo.221/2021

Ms.Prachi Khandge i/b M.P.Vashi & Associates for Defendant No.1 in COMIPNo.116/2019

Ms.Suhas S Deokar for defendant No.5 in COMIPNo.116/2019

Mr.Sujit S Mashal i/b Nasikwala Law Office for deft.No.3 in COMIPNO.117/2019 and defendant No.2 in COMIPNo.966/2018

Mr.Pranav Chavan i/b Mahesh Menon & Co. For defendant No.12 in COMIPNo.290/2019

Mr.Ramesh Soni a/w Mr.Sameer Pandit ,Ms.Sarrah Khambati and Mr.Anuj Jain i/b Wadia Ghandy & Co. For defendant No.6 in COMIPNo.363/2019 with NMCD No.725/2019

Mr.Rajiv Ravi for defendants in COMIP(L)No.38360/2022

CORAM : MANISH PITALE, J.
DATE : 10 FEBRUARY 2023

P.C.

. IA(L) No. 37138/2022 in Commercial IP Suit (L) No.

37136/2022 with IA (L) No. 39450/2022 in Commercial IP Suit (L) NO. 39448/2022 are not on board. But the learned counsel agree that same issue arises in the said applications also. Hence, the said applications are also taken on board.

2. Since a common question of law arises in all these matters, list the applications for consideration on 23/3/2023 at 2.30 p.m.

3. The learned counsel for the parties shall file brief notes of argument and compilation of judgments, if any, within four weeks from today.

4. Ad-interim order, wherever operating and statements, wherever made by the defendants, shall continue to operate till disposal of the applications.

5. Time of two weeks is granted as a matter of last chance for completing the pleadings in the applications seeking interim reliefs. No further time shall be granted.

**INTERIM APPLICATION (L) NO. 2633 OF 2021
(SUMMARY JUDGMENT)
IN
COMMERCIAL IP SUIT NO. 221/2021**

. This application filed on behalf of the defendant under Order XIII-A of the Code of Civil Procedure as applicable to the Commercial Courts for summary judgments. It is pointed out that Order XIII-A Rule 4(2) specifically mandates that in such

situation notice of at least 30 days ought to be given.

2. Heard learned counsel for the applicant (Defendant No.1).
3. Issue notice returnable on 23/3/2023.
4. Mr. D. P. Singh, learned counsel for the plaintiff / respondent waives notice.
5. Statements made, if any, shall continue to operate till next date of listing.

MANISH PITALE, J.