

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

AND

IN ITS COMMERCIAL DIVISION

NOTICE OF MOTION NO.460 OF 2018

IN

COMMERCIAL IP SUIT NO.283 OF 2018

Gautam Hospitality Pvt. Ltd. ... Applicant

In the matter between:

Novex Communications Private Limited ... Plaintiff

Vs.

Gautam Hospitality Pvt. Ltd. ... Defendant

AND

NOTICE OF MOTION NO.517 OF 2018

IN

COMMERCIAL IP SUIT NO.304 OF 2018

AND

NOTICE OF MOTION NO.523 OF 2018

IN

COMMERCIAL IP SUIT NO.278 OF 2018

AND

NOTICE OF MOTION NO.525 OF 2018

IN

COMMERCIAL IP SUIT NO.281 OF 2018

AND

NOTICE OF MOTION NO.664 OF 2018

IN

COMMERCIAL IP SUIT NO.281 OF 2018

AND

NOTICE OF MOTION NO.721 OF 2018

IN

COMMERCIAL IP SUIT NO.304 OF 2018

AND

NOTICE OF MOTION NO.1721 OF 2018

IN

COMMERCIAL IP SUIT NO.914 OF 2018

AND

NOTICE OF MOTION NO.1388 OF 2018

IN

COMMERCIAL IP SUIT NO.278 OF 2018

AND

CHAMBER SUMMONS NO.504 OF 2019

IN

NOTICE OF MOTION NO.1721 OF 2018

IN

COMMERCIAL IP SUIT NO.914 OF 2018

AND
CHAMBER SUMMONS NO.508 OF 2019
IN
NOTICE OF MOTION NO.1726 OF 2018
IN
COMMERCIAL IP SUIT NO.922 OF 2018
AND
CHAMBER SUMMONS NO.494 OF 2019
IN
NOTICE OF MOTION NO.1727 OF 2018
IN
COMMERCIAL IP SUIT NO.938 OF 2018
AND
CHAMBER SUMMONS NO.490 OF 2019
IN
NOTICE OF MOTION NO.1729 OF 2018
IN
COMMERCIAL IP SUIT NO.951 OF 2018
AND
CHAMBER SUMMONS NO.502 OF 2019
IN
NOTICE OF MOTION NO.1741 OF 2018
IN
COMMERCIAL IP SUIT NO.966 OF 2018
AND
CHAMBER SUMMONS NO.498 OF 2019
IN
NOTICE OF MOTION NO.1793 OF 2018
IN
COMMERCIAL IP SUIT NO.1051 OF 2018
AND
CHAMBER SUMMONS NO.493 OF 2019
IN
NOTICE OF MOTION NO.324 OF 2019
IN
COMMERCIAL IP SUIT NO.126 OF 2019
AND
CHAMBER SUMMONS NO.495 OF 2019
IN
NOTICE OF MOTION NO.327 OF 2019
IN
COMMERCIAL IP SUIT NO.121 OF 2019
AND
CHAMBER SUMMONS NO.497 OF 2019
WITH
CPCD (L) NO.33449 OF 2022
IN
NOTICE OF MOTION NO.331 OF 2019
IN
COMMERCIAL IP SUIT NO.117 OF 2019
AND

CHAMBER SUMMONS NO.491 OF 2019
IN
NOTICE OF MOTION NO.332 OF 2019
IN
COMMERCIAL IP SUIT NO.116 OF 2019
AND
CHAMBER SUMMONS NO.489 OF 2019
IN
NOTICE OF MOTION NO.337 OF 2019
IN
COMMERCIAL IP SUIT NO.131 OF 2019
AND
CHAMBER SUMMONS NO.499 OF 2019
IN
NOTICE OF MOTION NO.340 OF 2019
IN
COMMERCIAL IP SUIT NO.115 OF 2019
AND
CHAMBER SUMMONS NO.501 OF 2019
IN
NOTICE OF MOTION NO.341 OF 2019
WITH
CPCD (L) NO.33440 OF 2022
IN
COMMERCIAL IP SUIT NO.118 OF 2019
AND
CHAMBER SUMMONS NO.503 OF 2019
WITH
CPCD(L) NO.34173 OF 2022
IN
NOTICE OF MOTION NO.343 OF 2019
IN
COMMERCIAL IP SUIT NO.119 OF 2019
AND
CHAMBER SUMMONS NO.488 OF 2019
IN
NOTICE OF MOTION NO.344 OF 2019
IN
COMMERCIAL IP SUIT NO.120 OF 2019
AND
CHAMBER SUMMONS NO.500 OF 2019
IN
NOTICE OF MOTION NO.352 OF 2019
IN
COMMERCIAL IP SUIT NO.114 OF 2019
AND
CHAMBER SUMMONS NO.507 OF 2019
IN
NOTICE OF MOTION NO.353 OF 2019
IN
COMMERCIAL IP SUIT NO.124 OF 2019

AND
CHAMBER SUMMONS NO.496 OF 2019
WITH
CONP (L) NO.33437 OF 2022
IN
NOTICE OF MOTION NO.354 OF 2019
IN
COMMERCIAL IP SUIT NO.122 OF 2019
AND
CHAMBER SUMMONS NO.505 OF 2019
IN
NOTICE OF MOTION NO.355 OF 2019
IN
COMMERCIAL IP SUIT NO.127 OF 2019
AND
CHAMBER SUMMONS NO.492 OF 2019
IN
NOTICE OF MOTION NO.356 OF 2019
IN
COMMERCIAL IP SUIT NO.123 OF 2019
AND
NOTICE OF MOTION NO.576 OF 2019
IN
COMMERCIAL IP SUIT NO.145 OF 2019
AND
NOTICE OF MOTION NO.616 OF 2019
WITH
CPCD (L) NO.3669 OF 2023
IN
COMMERCIAL IP SUIT NO.292 OF 2019
AND
NOTICE OF MOTION NO.617 OF 2019
IN
COMMERCIAL IP SUIT NO.306 OF 2019
AND
NOTICE OF MOTION NO.619 OF 2019
IN
COMMERCIAL IP SUIT NO.304 OF 2019
AND
NOTICE OF MOTION NO.620 OF 2019
IN
COMMERCIAL IP SUIT NO.290 OF 2019
AND
NOTICE OF MOTION NO.621 OF 2019
WITH
CONP NO.116 OF 2019
WITH
CONP NO.120 OF 2019
WITH
CONP NO.118 OF 2019
IN

NOTICE OF MOTION NO.621 OF 2019
IN
COMMERCIAL IP SUIT NO.291 OF 2019
AND
NOTICE OF MOTION NO.645 OF 2019
WITH
CPCD NO.114 OF 2019
WITH
CONP NO.119 OF 2019
IN
NOTICE OF MOTION NO.645 OF 2019
IN
COMMERCIAL IP SUIT NO.303 OF 2019
AND
NOTICE OF MOTION NO.651 OF 2019
IN
COMMERCIAL IP SUIT NO.319 OF 2019
AND
NOTICE OF MOTION NO.652 OF 2019
IN
COMMERCIAL IP SUIT NO.321 OF 2019
AND
NOTICE OF MOTION NO.699 OF 2019
IN
COMMERCIAL IP SUIT NO.345 OF 2019
AND
NOTICE OF MOTION NO.701 OF 2019
IN
COMMERCIAL IP SUIT NO.347 OF 2019
AND
NOTICE OF MOTION NO.702 OF 2019
WITH
CPCD (L) NO.8459 OF 2020
WITH
CPCD (L) NO.8447 OF 2020
WITH
CPCD (L) NO.8446 OF 2020
WITH
CPCD (L) NO.8158 OF 2020
WITH
CPCD (L) NO.8133 OF 2020
IN
NOTICE OF MOTION NO.702 OF 2019
IN
COMMERCIAL IP SUIT NO.350 OF 2019
AND
NOTICE OF MOTION NO.709 OF 2019
WITH
CPCD (L) NO.33492 OF 2022
WITH
CPCD (L) NO.223 OF 2019

IN
NOTICE OF MOTION NO.709 OF 2019
IN
COMMERCIAL IP SUIT NO.343 OF 2019
AND
NOTICE OF MOTION NO.725 OF 2019
WITH
CPCD (L) NO.35 OF 2020
WITH
CPCD (L) NO.28 OF 2020
WITH
CPCD NO.130 OF 2019
WITH
CPCD NO.74 OF 2019
WITH
CPCD NO.117 OF 2019
IN
NOTICE OF MOTION NO.725 OF 2019
IN
COMMERCIAL IP SUIT NO.363 OF 2019
AND
NOTICE OF MOTION NO.728 OF 2019
WITH
CPCD (L) NO.43 OF 2020
WITH
CPCD (L) NO.44 OF 2020
IN
NOTICE OF MOTION NO.728 OF 2019
IN
COMMERCIAL IP SUIT NO.359 OF 2019
AND
NOTICE OF MOTION NO.731 OF 2019
IN
COMMERCIAL IP SUIT NO.358 OF 2019
AND
INTERIM APPLICATION NO.1912 OF 2019
WITH
INTERIM APPLICATION (L) NO.2633 OF 2021
WITH
INTERIM APPLICATION NO.1662 OF 2021
IN
COMMERCIAL IP SUIT NO.221 OF 2021
AND
INTERIM APPLICATION NO.5368 OF 2021
IN
COMMERCIAL IP SUIT NO.264 OF 2022
AND
INTERIM APPLICATION (L) NO.5417 OF 2021
IN
COMMERCIAL IP SUIT NO.332 OF 2021
AND

INTERIM APPLICATION (L) NO.5880 OF 2021
IN
COMMERCIAL IP SUIT NO.267 OF 2022
AND
INTERIM APPLICATION (L) NO.21044 OF 2021
IN
COMMERCIAL IP SUIT NO.332 OF 2021
AND
INTERIM APPLICATION (L) NO.21046 OF 2021
IN
COMMERCIAL IP SUIT NO.264 OF 2022
AND
INTERIM APPLICATION (L) NO.21116 OF 2021
IN
COMMERCIAL IP SUIT NO.267 OF 2022
AND
CPCD (L) NO.12122 OF 2022
IN
COMMERCIAL IP SUIT NO.921 OF 2018
AND
CPCD (L) NO.3677 OF 2023
IN
INTERIM APPLICATION (L) NO.35266 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.35265 OF 2022
AND
INTERIM APPLICATION (L) NO.36383 OF 2022
IN
COMMERCIAL IP SUIT NO.40 OF 2023
AND
INTERIM APPLICATION (L) NO.36568 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.36565 OF 2022
AND
INTERIM APPLICATION (L) NO.36786 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.36785 OF 2022
AND
INTERIM APPLICATION (L) NO.36788 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.36787 OF 2022
AND
INTERIM APPLICATION (L) NO.37134 OF 2022
WITH
CPCD (L) NO.3674 OF 2023
IN
COMMERCIAL IP SUIT (L) NO.37130 OF 2022
AND
INTERIM APPLICATION (L) NO.37138 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.37136 OF 2022

AND
INTERIM APPLICATION (L) NO.37367 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.37362 OF 2022
AND
INTERIM APPLICATION (L) NO.37970 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.37964 OF 2022
AND
INTERIM APPLICATION (L) NO.37992 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.37987 OF 2022
AND
INTERIM APPLICATION (L) NO.38367 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.38360 OF 2022
AND
INTERIM APPLICATION (L) NO.38379 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.38377 OF 2022
AND
INTERIM APPLICATION (L) NO.38673 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.38666 OF 2022
AND
INTERIM APPLICATION (L) NO.38713 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.38712 OF 2022
AND
INTERIM APPLICATION (L) NO.39449 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.39446 OF 2022
AND
INTERIM APPLICATION (L) NO.39450 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.39448 OF 2022
AND
INTERIM APPLICATION (L) NO.39544 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.39541 OF 2022
AND
INTERIM APPLICATION (L) NO.39863 OF 2022
IN
COMMERCIAL IP SUIT (L) NO.39861 OF 2022
AND
INTERIM APPLICATION (L) NO.3670 OF 2023
IN
COMMERCIAL IP SUIT (L) NO.3544 OF 2023

Mr.Ashish Kamat,Senior Advocate a/w Mr.Rashmin Khandekar, Mr.Hetal

Thakore, Ms. Apurva Manwani, Mr. Kunal Parekh and Ms. Nirali Shah i/b Dua Associates for Plaintiff in COMIPNO.332/2021, COMIP(L)NO.3544/2023.

Mr. Vipinchandra Ramrao Kasle for Defendant No.1 in COMIPNo.332/2021.

Mr. Tushad Kakalia a/w Mr. A. Nene i/b J Sagar Associates for applicant in I.A.NO.2962/2022 and for defendant No.2 in COMIPNO.332/2021.

Dr. Veerendra Tulzapurkar, Senior Advocate a/w Mr. Sameer Pandit, Ms. Sarrah Khambati and Mr. Anuj Jain i/b Wadia Ghandy & Co for Plaintiff in COMIPNO.283 AND 304/2018 and for defendant in COMIPNo.278 and 281/2018 and for defendant No.1 In COMIP(L)No.36565/2022.

Mr. Shiraz Rustomjee, Senior Advocate a/w Mr. Rashmin Khandekar, Ms. Anjali Chandurkar, Mr. Prakash Shah and Mr. Durgaprasad Poojari i/b PDS Legal for Plaintiff in COMIPNos.278 and for defendant in COMIP No.304/2018.

Mr. Rashmin Khandekar a/w Mr. Prakash Shah, Ms. Anjali Chandurkar and Mr. Durgaprasad Poojari i/b PDS Legal for Plaintiff in COMIPNo.281/2018 and for defendant in COMIPNo.283/2018.

Mr. Amogh Singh a/w Ms. Malar, Mr. Hero Ramchandani, Mr. Neeraj Nawar, Mr. Josiah Manoharan, and Ms. Shivani Rane i/b D.P. Singh for Plaintiff/ Applicant in COMIPNo.914,922,938,951,966,1051 of 2018, COMIPNOS.126,121,117, 116, 131,115,119,120,114,124,122,127,123,145,292,306,304,290,291,303,319,321,345 ,347,350,343,363,359,358/2019. COMIP(L)NO.32265/2022,36785,36787,37130, 37136,37362,37964,37987,38360,38377,38712,39446/2022 ,COMIPNO.40/2023 and for Petitioner in CPCDNO.74,114,117,119,130/2019, CONPNO.116,118 AND 120/2019, CPCD(L)No.223/2019 and and 35,28,43, 44, 8459 ,8447,8446, 8158, 8133/2020, CPCD(L)Nos.33449,33440,34173,33437,33492/2022 and 3367,3669, 3674 /2023.

Mr. Ashish Kamat, Senior Advocate a/w Mr. Amogh Singh, Ms. Malar, Mr. Harsh S. Moorjani, Mr. Hero Ramchandani, Mr. Neeraj Nawar and Mr. Josiah Manoharan and Ms. Shivani Rane i/b D.P. Singh for Applicant/Plaintiff in COMIPNo.1051/2018.

Mr. Sharan Jagtiani, Senior Advocated a/w Mr. Amogh Singh, Apurva Manwani, Ms. Malar, Mr. Siddarth Doshi, Mr. Hero Ramchandani, Mr. Neeraj Nawar, Mr. Josiah Manoharan and Ms. Shivani Rane i/b D.P. Singh for Applicant/Plaintiff in COMIPNo.221/2021 and COMIP(L)NO.36565/2022.

Mr. Darius Khambata, Senior Advocate a/w Mr. Ashish Kamat, Senior Advocate a/w Mr. Rashmin Khandekar, Ms. Apurva Manwani, Mr. Hetal Thakore, Mr. Kunal Parekh and Ms. Nirali Shah i/b Dua Associates AOR for the Plaintiff in COMIPNo.264/2022.

Mr. Rashmin Khandekar a/w Mr. Hetal Thakore, Mr. Kunal Parekh and Ms. Nirali Shah i/b Dua Associates AOR for the Plaintiff in COMIPNo.267/2022 and COMIP(L)NO.39541/2022 and for Petitioner in CPCDC(L)No.12122/2022.

Mr.Sharan Jagtiani,Senior Advocate a/w Mr.Rashmin Khandekar, Ms.Apurva Manwani, Mr.Hetal Thakore, Mr.Kunal Parekh and Ms.Nirali Shah i/b Dua Associates,AOR for Plaintiff in COMIP(L)No.39541/2022.

Mr.Rohit Parab i/b Suhas Deokar for defendant No.5 in COMIPNo.116/2019.

Mr.Rajiv Narula i/b Jhangiani Narula and Associates for Defendant No.1 in COMIPNO.126 and 291/2019 , for defendant No.47 in COMIPNo.363/2019 and for defendant in COMIP(L)No.36785/2022.

Mr.Harish K Raman i/b Avesh Kayser for defendant No.4 in COMIPNo.127/2019.

Ms.Laher Shah for Defendant No.1 in COMIPNo.304/2019.

Mr.Rohan Deshpande i/b Farzeen Khambatta for deft.Nos.6,6A to 6E.
Mr.Ramesh Soni a/w Mr.Sameer Pandit, Mr.Sarra Khambati and Mr.Anuj Jain i/b Wadia Ghandy & Co. For defendant in COMIPNo.363/2019.

Mr. Virendra Tulzapurkar, Senior Counsel a/w Mr. Amit Jamsandekar, Mr.M.R.Chowdhary and V Desai i/b Royzz and Co. For defendant No.1 and applicant in I.A.(L)No.2633/20219 (for Summary Judgment).

Mr.Prasad Shenoy a/w Ms.Karishma Rao and Mr.Devansh Shah i/b Vidhii Partners for Defendant No.1 in COMIP No.37362/2022.

Mr.Hiren Kamod a/w Mr.Deepak Deshmukh and Mr.S Mukherji i/b Naik Naik and Co for defendants in COMIPNo.37964/2022.

Mr.Deepak Mukherjee a/w Mr.Shreyas Bhatkar for Defendant Nos.1 and 4 in COMIPNo.37987/2022.

Mr.Rajeev Ravi a/w Ms.Meenakshi Chaturvedi for defendants in COMIP(L)No.38360/2022.

Mr.Rony P.J. for defendant COMIP(L)No.38712/2022.

Ms.Amruta Sawant a/w Jayanta Kar i/b S Jalan & Co for defendant in COMIP(L)No.39446/2022.

Mr.Krishnan Iyer a/w Mr.Rahul Pillai i/b Pragnya Legal for defendants in COMIP(L)No.39861/2022.

Mr.Shyam Kapadia a/w Mr.Ashutosh Kane and Ms.Roshni Lodha i/b W.S.Kane & Co. for defendant in COMIP(L)No.3544/2023.

CORAM : MANISH PITALE, J.

DATE : MARCH 23, 2023

P.C. :

. There is no serious dispute about the fact that common questions of law arise in these proceedings in the context of interpretation of provisions of the Copyright Act, 1957.

2. It is brought to the notice of this Court that in some of the proceedings, *Phonographic Performance Limited* is the plaintiff, while in other matters *Novex Communications Private Limited* is the plaintiff. Learned counsel appearing for the plaintiffs in these two sets of proceedings are expected to place on record common notes / submissions within a period of six weeks to assist this Court.

3. Similarly, learned counsel appearing for the defendants can also place on record a common note to assist this Court, as this Court intends to decide pure questions of law in the present proceedings, which would have an impact on the question of grant / continuance of interim reliefs / ad-interim reliefs.

4. List these proceedings / applications for further consideration on 26.06.2023 at 2:30 p.m.

5. In some of the proceedings, ad-interim reliefs are yet to be considered / granted. Learned counsel for the parties are requested to give the details of such proceedings / applications to the Associate by tomorrow (24.03.2023) so that they can be segregated and listed on various dates in the month of April, 2023 for consideration of ad-interim reliefs.

6. It is brought to the notice of this Court that in some of the proceedings, pleadings are yet to be completed. Hence, the parties are granted time of six weeks to ensure that the pleadings are completed.

7. It is also pointed out that in a number of proceedings in this group of matters, office objections are yet to be removed by the plaintiffs. Hence, the plaintiffs are directed to remove office objections within six weeks from today.

8. Ad-interim reliefs / interim reliefs, as also statements made on behalf of defendants shall continue to operate until further orders.

IA(L) NO.2633 of 2021 IN COMIP SUIT NO.221 OF 2021

. Learned counsel appearing for the defendant submits that an application bearing Interim Application (L) No.2633 of 2021 in Commercial IP Suit No.221 of 2021 is filed for summary judgement.

2. In the said application i.e. Interim Application (L) No.2633 of 2021, the plaintiff is granted four weeks time, as a matter of last chance, to file reply affidavit.

IA(L) NO.39450 OF 2022 IN COMIP SUIT (L) NO.39448 OF 2022

. Wrongly on Board as already disposed of.

2. Remove from Board.

(MANISH PITALE, J.)

Minal Parab