

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

**NOTICE OF MOTION NO. 331 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 117 OF 2019**

Phonographic Performance Ltd.Applicant/Plaintiff

V/s.

Impresario Entertainment and Hospitality
Pvt. Ltd. & Ors.Defendants

ALONG WITH

**NOTICE OF MOTION NO. 352 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 114 OF 2019**

Phonographic Performance Ltd.Applicant/Plaintiff

V/s.

YMCA International Centre & Ors.Defendants

ALONG WITH

**NOTICE OF MOTION NO. 340 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 115 OF 2019**

Phonographic Performance Ltd.Applicant/Plaintiff

V/s.

J.W. Marriott & Ors.Defendants

ALONG WITH

**NOTICE OF MOTION NO. 332 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 116 OF 2019**

Phonographic Performance Ltd.Applicant/Plaintiff

V/s.

Mykonos Blue & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 341 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 118 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Bhandari Forms & Resort & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 343 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 119 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Corum Hospitality & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 344 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 120 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
British Brewing Company Pvt. Ltd. & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 327 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 121 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Park Hyatt Goa Resort and Spa & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 354 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 122 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Neon the Disc. & Others & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 356 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 123 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Welcom Hotel Rama International
(ITC) & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 353 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 124 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Titos Resorts and Hospitality Pvt. Ltd.
& Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 324 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 126 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
V/s.
Olive Bar and Kitchen Pvt. Ltd. & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 337 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 131 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
 V/s.
 K-2 Club & Lounge & Ors.Defendants

ALONG WITH
NOTICE OF MOTION NO. 355 OF 2019
IN
COMMERCIAL (IP) SUIT NO. 127 OF 2019

Phonographic Performance Ltd.Applicant/Plaintiff
 V/s.
 China Gate Group & Ors.Defendants

Mr. Amogh Singh a/w Ms. Lilaan Kadam and Mr. Hero Ramchandani i/b D.P. Singh for applicant/plaintiff (in all suits).
 Mr. Huzefa Nasikwala for Defendant No.3 in COMIP 117/2019.
 Mr. Nishad Nadkarni i/b Vox Law for Defendant No.1 in COMIP 120/2019.
 Mr. Nishad Nadkarni i/b Khaitan and Co. for Defendant No.1 in COMIP 120/2019.
 Mr. Gobindram D. Talreja i/b Gobindram D. Talreja and Associates for Respondent No.5 in CPCDL 92661/2020 in COMIP 120/2019.
 Ms. Vaibhavi Parchake a/w Ms. Prachi Shah i/b Kalpesh Joshi Associates for Defendant No.3 in COMIP 126/2019.
 Mr. M.M. Vashi, Senior Advocate i/b M.P. Vashi and Associates for Defendant No.1 in COMIP 116/2019.
 Mr. Rajiv N. Narula i/b M/s. Jhangiani, Narula and Associates for Defendant No.1 in COMIP 117/2019.

CORAM : K.R.SHRIRAM, J.
DATED : 27th NOVEMBER 2020.

P.C. :

1. An ad-interim order came to be passed on 21st December, 2016 and that order has been extended from time to time since Notice of Motion is still pending. The last extension was granted on 22nd November, 2019.

Notice of Motion, however, could not be heard as practically as the whole year 2020 has been lost because of this covid pandemic. Therefore until hearing of Notice of Motion, ad-interim order dated 21st December, 2016 shall continue.

2. As regards COMIP No.120 of 2019 Mr. Nadkarni seeks leave to withdraw the suit against Defendant No.1 – British Brewing Company Pvt. Ltd. & Ors. The suit against Defendant No.1 – British Brewing Company Pvt. Ltd. & Ors. is dismissed as withdrawn with no order as to costs.

Mr.Nadkarni states that pursuant to the interim order Defendant No.1 has deposited with Prothonotary and Senior Master, High Court, Bombay a sum of Rs.1,50,000/- and prays for return of that amount with accumulated interest, if any. Advocate Amogh Singh has no objection. Therefore, Prothonotary and Senior Master, High Court, Bombay to return the amount of Rs.1,50,000/- together with accumulated interest, if any, to Defendant No.1.

3. Mr. Nadkarni prays that a fix date to be given to hear Notice of Motion. As the situation stands, it is really difficult to give a peremptory date. Once, the court starts functioning normally, liberty is given to the parties to apply to the court for fixing peremptory date to hear these Notices of Motion.

4. Whichever party has not filed the reply to Notice of Motion may file and serve copy within two weeks.
5. Rejoinder, if any, to be filed within two weeks thereafter.

(K.R. SHRIRAM, J.)