



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

INTERIM APPLICATION (L) NO. 39957 OF 2025
IN
COMMERCIAL IP SUIT (L) NO. 39602 OF 2025

Novex Communications Private Limited ...Applicant/Plaintiff

Versus

Bastian Pune Hospitality Private Limited ...Defendant

*Mr. Rashmin Khandekar, Mr. Kunal Parekh, Ms. Riti Gada, Ms. Nikita Nangare i/b
Dua Associates for Plaintiff.*

Coram : Sharmila U. Deshmukh, J.

Date : 19th December, 2025.

P. C. :

1. This is an action for infringement of copyright.
2. The Plaintiff is the exclusive owner of the sound recordings of several music labels in respect of which the Plaintiff has obtained the assignment and the Plaintiff's repertoire includes the songs which are subject-matter of the Assignment Agreements. It is submitted that the Plaintiff is entitled to issue licenses under Section 30 of the Copyright Act, 1957 and any unauthorized broadcasting from the Plaintiff's repertoire would amount to infringement of the Plaintiff's copyright.
3. Mr. Khandekar, learned counsel appearing for Plaintiff submits

that the Plaintiff learnt that Defendant's premises has been used for unauthorised broadcasting of the sound recordings without obtaining necessary license on 14th February, 2025. He submits that the Plaintiff's representative has recorded the infringing acts on his mobile handset and has thereafter, converted the same into VCD/DVD which is placed on record. He submits that the Plaintiff had addressed two legal notices on 22nd February, 2025 to the Defendant, to which there is no response. He submits that the infringement is also substantiated by the Plaintiff's Affidavit which is placed on record. He submits that the Defendant has advertized Christmas event on 24th December, 2025 and considering the past infringement, there is apprehension that in the event scheduled on 24th December, 2025, the Plaintiff's sound recordings will be unathorizedly broadcasted.

4. I have considered the submissions and perused the record.

5. The assignment agreements, which are placed on record *prima facie* demonstrate the Plaintiff's copyright in the sound recordings. There is a specific pleading in the Plaint that in the past, on 14th February, 2025, an event was held in the Defendant's premises where the Plaintiff's copyrighted songs were broadcasted unauthorizedly. The CD in that respect is appended to the Plaint as also Affidavit of the Plaintiff's representative is placed on record. The Plaintiff has addressed two legal notices which makes it evident that Defendant is

aware that playing sound recordings without authorization constitutes copyright infringement. There is no response by the Defendant. Considering that the Defendants have scheduled an event on 24th December, 2025 and the past infringement which is *prima facie* demonstrated from the material on record, the apprehension of the Plaintiff is well-founded. It is necessary to restrain the Defendant from infringing the Plaintiff's copyrighted songs in the event, scheduled on 24th December, 2025. Hence, *prima facie* case has been made out for grant of ad-interim relief in terms of prayer clause (a), which reads as under:-

"a) 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 the Defendant, their Partners, 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;"

6. List on **22nd January, 2026.**
7. Ad-interim relief granted to continue till the next date.

[Sharmila U. Deshmukh, J.]