IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.34854 OF 2026

IN

COMMERCIAL IP SUIT (L) NO. 34755 OF 2026

Novex Communications Private Limited …Applicant/Plaintiff

V/s.

Gujarat University Convention and
Exhibition Centre & Ors. ….Respondent/Defendant

PRACHI PRANESH NANDIWADEKAR
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Mr. Rashmin Khandekar a/w Mr. Kunal Parekh and Ms. Riti Gada i/by Dua Associates for the Applicant/Plaintiff.

Mr. Harsh Joshi a/w Mr. Vikas Nair for Defendant No.1-Gujarat University Convention and Exhibition Centre.

CORAM : MADHAV J. JAMDAR, J.

DATED : 15 OCTOBER 2026

P. C. :-

1. Heard Mr. Khandekar, learned counsel appearing for the Applicant/Plaintiff and Mr. Joshi, learned counsel appearing for the Defendant No.1-Gujarat University Convention and Exhibition Centre.

2. Mr. Khandekar, learned counsel for the Applicant/Plaintiff states that the Defendant Nos.2 & 3 are served. At the outset, he

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states that he is not seeking ad-interim relief against Defendant No.2 as the subject event, being held on the ground let out by the Defendant No.1-Gujarat University Convention and Exhibition Centre, has been organised by the Defendant No.3. He submits that the Defendant No.3 is charging minimum amount of Rs.1,499/- onwards per participant for the said event.

3. The Commercial IP Suit has been filed as the Defendants are infringing the copyright of the Plaintiff.

4. The suit has been filed for perpetual injunction restraining the Defendants, their partners, etc. from publicly performing or communicating the sound recordings of the songs assigned and authorized 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.

5. It is the submission of the learned counsel for the Plaintiff that the Plaintiff has entered into Assignment Agreements with Tips Limited and various others and has acquired rights in the on sound recordings of the songs contained in the films of the said companies.

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6. It is submitted that the Plaintiff has also been appointed by M/s. Yash Rai Films Private Limited as its authorized agent as per the provision of Section 30 of The Copyright Act, 1957. It is contended that Defendant is hosting and organizing an event titled "GENZATRI" and the tickets for the said event are being sold online.

7. Learned counsel appearing for Defendant No.1- Gujarat University Convention and Exhibition Centre states that Defendant No.1-Gujarat University Convention and Exhibition Centre is merely the owner of the playground on which the said event is organised. The said event has been organised by the Defendant No.2- Secretary, Ministry of Tourism, Government of Gujarat and Defendant No.3- Tourism Corporation of Gujarat Limited.

8. Mr. Khandekar, learned counsel for the Plaintiff states that the added Defendant Nos.2 and 3 have also been served. He states that an affidavit of service will be filed during the course of the day.

9. Mr. Khandekar, learned counsel for the Plaintiff submits that under Section 51(a)(ii) of the Copyright Act, 1957, it is provided that copyright is infringed even if the premises are permitted to be

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used for profit for communication of the work where such communication constitutes an infringement of the copyright. Various agreements in the plaint, as also the documents annexed to the plaint shows that the Plaintiff is the owner of copyright in the sound recordings and the same is *prima facie* evident from the assignments executed in favour of the Plaintiff, who is, *prima facie* entitled to grant a licence under Section 13 of the Copyright Act, 1957.

10. Insofar as the contention that Defendant No.1-Gujarat University Convention and Exhibition Centre is not responsible as the infringement, if any, to occur in the event, which is scheduled by a third party, though on the premises of the Defendant. Mr. Khandekar, learned counsel for the Plaintiff is right in relying on Section 51 (a)(ii) of the Copyright Act, 1957 which provides that copyright is infringed even if the premises are permitted to be used for profit for the communication of the work to the public where such communication constitutes an infringement of the copyright.

11. It is fairly accepted by the learned counsel appearing for the Defendant No.1 that some rent has been charged for providing the said ground for the said event organised by Defendant No.3. Even assuming that no money is charged, still Defendant No.3 is a party

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to the suit. It is the contention of the Plaintiff that the Defendant No.3 is hosting and organising an event titled "GENZATRI". The learned counsel appearing for the Defendant No.1 also accepts that such festival is organised and the same is going on. However, he states that the festival is organised by Defendant No.3 and the Defendant No.1 is not concerned with the same.

12. It is further stated in the plaint that tickets for the said event are being sold online and minimum money charged is Rs.1,499/- onwards per participant.

13. Although the Defendant No.3 is served, none appears for the Defendant No.3. No reply has been filed by the Defendant No.3.

14. Resultantly, the averments raised in the plaint and the interim application have remained uncontroverted.

15. Mr. Khandekar, learned counsel for the Plaintiff states that more than 100 orders have already been passed by various High Courts in favour of the Applicant/Plaintiff protecting the Sound Recording of the Plaintiff.

16. Accordingly, ad-interim relief is granted in terms of prayer clause (a) of the Interim Application. The said prayer clause (a) reads as under :-

> "a) that this Hon'ble Court be pleased to issue a perpetual order of

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injunction restraining the Defendants, their partners, directors, 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 authorized 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;"

17. The Defendants to file their affidavit-in-reply on or before 19 November 2026. Rejoinder, if any, to be filed on or before 1 December 2026.

18. Stand over to 3 December 2026.

19. Ad-interim relief granted to continue till next date

[MADHAV J. JAMDAR, J.]

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