IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.34679 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 34567 OF 2026

Novex Communications Private Limited …Applicant/Plaintiff

V/s.

Gujarat University & Ors. ….Defendants

PRACHI PRANESH NANDIWADEKAR
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Date: 2026.10.16 11:43:37 +0530

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.

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.

2. Mr. Khandekar, learned counsel for the Applicant states that the added Defendant No.2 i.e. the Secretary, Ministry of Tourism, Government of Gujarat and Defendant No.3-Tourism Corporation of Gujarat Limited have been served. However, none appears for

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the said Defendant Nos.2 and 3.

3. The Commercial IP Suit has been filed on the ground that 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 sound recordings of the songs contained in the films of the said companies.

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 "Vibrant Navratri Festival 2026" and the tickets for the said event

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are being sold online.

7. Learned counsel appearing for Defendant No.1-Gujarat University states that Defendant No.1-University 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 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,

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1957.

10. Insofar as the contention that Defendant No.1-Gujarat University is not responsible as where the infringement has taken place during 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 Nos.2 and 3. Assuming that no money is also charged still Defendant Nos.2 and 3 are made parties. It is the contention of the Plaintiff in the plaint that the Defendant Nos.2 and 3 are hosting and organising an event titled "Vibrant Navratri Festival 2026". 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 Nos.2 and 3 and the Defendant No.1 is not concerned with the same.

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12. It is further stated in the plaint that tickets for the said event are being sold online.

13. Although the Defendant Nos.2 and 3 are served, none appears for the Defendant Nos.2 and 3. No reply has been filed by the Defendants.

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 injunction restraining the Defendant, their partners, directors, servants, employees, agents, assignees, licensees, further appears that the Defendants at the said Premises, are in the process of organizing and conducting other events at which infringement is seriously apprehended for the same reasons. In any event, being a venue regularly used for such commercial entertainment events, the Defendant on a day-to-day basis exploit sound recordings without authorization. The Plaintiff seriously apprehends that at other events that may be organized by the Defendants, the Defendant will further

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infringe the rights of the Plaintiff unless restrained by this Hon'ble Court."

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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