



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1094/2025, I.A. 25318/2025, I.A. 25319/2025 & I.A.
25320/2025

BIGNET SOLUTIONS LLP

.....Plaintiff

Through: Mr. Jai Sai Deepak, Sr. Adv. with Mr.
Surabh Balwani & Mr. Chirag
Rathore, Advs.

versus

NOVEX COMMUNICATION PVT. LTD.

.....Defendant

Through: Mr C.M. Lall, Sr. Adv. with Mr.
Jasdeep Dhillon, Mr. Anirudh
Jamwal, Mr. Aditya Bajaj, Ms.
Annanya Mehan, Ms. Kenisha Salva,
Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.11.2025**

1. The present suit has been filed by the plaintiff inter alia seeking a declaration that its use of certain sound recordings (enlisted at paragraph 15 of the plaint), stated to be pre-1965 works and now in the public domain for a private event scheduled on 12.10.2025, does not cause any infringement of the defendant's copyright. The plaintiff also seeks a permanent injunction restraining the defendant from demanding any license fee qua the use of the recordings mentioned in paragraph '15' of the plaint in respect thereof for the event scheduled on 12.10.2025.



2. The grievance of the plaintiff, as pleaded, arose when the venue, hosting the plaintiff's event scheduled on 12.10.2025, directed the plaintiff to obtain an NOC/license from the defendant. It is stated that the plaintiff approached the defendant for a license and was duly quoted the fee. It is the plaintiff's case that however, upon verification, it found that the copyright in the specific 15 songs proposed to be played on 12.10.2025, as also set out at paragraph 15 of the plaint, had expired under Section 27 of the Copyright Act, 1957, and therefore no NOC/license is legally required. It is stated that plaintiff only intended to play sound recording, which form part of pre-1965 sound repository.

3. The plaintiff filed the suit on an apprehension that if it did not obtain a licence from the defendant, there would be possible interference in the conduct of the event on 12.10.2025.

4. On 10.10.2025, when the matter was first listed, this Court issued interim directions for holding of the event on 12.10.2025 and recorded the statements of both sides. On 10.10.2025, the defendant asserted that it does not enforce rights in works not owned/managed by it or in works already in the public domain and asserted that the suit was misconceived. The plaintiff, in turn, undertook that it would play only the 15 songs enlisted at paragraph 15 of the plaint as they are for the period pre-1965 and would file, after the event, a certified recording along with a letter undersigned by the venue confirming the same. Based on these statements, interim directions were issued permitting the plaintiff to proceed with the event as scheduled on 12.10.2025.

5. The plaintiff has now placed on record documents to show that the event dated 12.10.2025 has since concluded and that only the songs enlisted



in paragraph 15 of the plaint were played. Learned senior counsel for the plaintiff submits that this is in compliance of the directions at para 11.1 of the order dated 10.10.2025.

5.1 He states that when the plaintiff emailed the defendant on 01.10.2025 seeking a license quotation, the list of 15 songs enlisted in the plaint was enclosed with that communication and defendant ought to have clarified that no licence is required as the songs are pre-1965.

6. Learned senior counsel for the defendant, on instructions, states that the songs enlisted by the plaintiff at paragraph '15' of the plaint do not form part of the defendant's repertoire and that the defendant has never asserted copyright over these particular recordings since the copyright for the said songs had expired.

6.1 He submits that in the e-mail issued by the plaintiff on 01.10.2025 only the names of the songs were given; however, their release date was not mentioned. He states that for instance, one of the songs has been recreated in a recent movie and the copyright in the new recording subsist in favour of the defendant.

6.2 He submits that had the plaintiff communicated this specific list as enlisted in paragraph '15' at the time of applying for a license, the defendant would have not quoted any fee. He states that in any event the plaintiff could have clarified this concern with the defendant and the issue could have been resolved amicably. He states that the defendant does not demand license fees for works in the public domain and thus the cause of action is misconceived.

6.3 He also states that the recording of the event held on 12.10.2025, filed by the plaintiff in compliance of the order dated 10.10.2025 is only of



approximately 25 minutes for an event lasting over three hours, and is not signed by the venue manager and therefore, this is not compliance.

6.4 He submits that however, the defendant does not wish to incur further legal costs in contesting the suit and would be satisfied if the suit is disposed of, as the defendant neither asserts rights over the impugned 15 recordings nor seeks to pursue any claim against the plaintiff in respect thereof.

7. The Court has considered the submissions of the parties and perused the record, including the order dated 10.10.2025.

8. In view of the plaintiff's assertion, that only the 15 songs listed at paragraph '15' in the plaint were played and there is no evidence to the contrary, this Court accepts the submission of the plaintiff and records the compliance of order dated 10.10.2025.

9. The plaintiff had approached the Court for the cause of action enlisted at paragraph 26, which reads as under: -

“26. That the cause of action for filing the present suit first arose on 01.10.2025 when the Defendant was approached by the Plaintiff seeking issuance of a NOC in respect of the proposed sound recordings whereafter the parties engaged in communications so as to allow the Plaintiff to use the proposed sound recordings for organizing its event. The cause of action further arose on 03.10.2025 when the Defendant wrongfully demanded license fees for sound recordings whose copyright term has expired. That the cause of action is a continuous one and will continue to subsist.”

(Emphasis Supplied)

10. The event of 12.10.2025 has taken place and there was no interference by the defendant.

11. The plaintiff has approached to Court on the plea that the songs enlisted at paragraph '15' of the plaint with a release date of pre-1965 or any other songs with a release date of pre-1965 cannot form part of the repertoire



of the defendant. The defendant on the first date of hearing on 10.10.2025 and at hearing today has reiterated that it does not claim any copyrights in sound recordings published pre-1965 and it does not expect any person and/or entity to obtain licence for pre-1965 recordings.

12. In view of the aforesaid statement of the defendant categorically stating that it asserts no claims in pre-1965 sound recordings and the fact that the plaintiff's event for 12.10.2025 has been held smoothly, this Court is of the opinion that the cause of action on which the suit was filed stands satisfied. This Court finds no merit in the plaintiff's claim of damages as prayed for at prayer 'e' and the plaint is also bereft of any pleading justifying this claim.

13. It is clarified that this Court has not expressed any opinion on the allegations in the plaint pertaining to misrepresentation, unlawful interference, or unjust enrichment on the part of the defendant.

14. The plaintiff requested for refund of court fee; however, the said prayer has been declined, keeping in view the fact that the plaintiff consciously choose to not use the statutory mechanism of pre-institution mediation before approaching the Court and invoked the mechanism of the Court process for holding its event on 12.10.2025.

15. Accordingly, the suit is disposed of along with all pending applications.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 21, 2025/ng/AM