

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 28489/2026

[Arising out of impugned final judgment and order dated 04-08-2026 in CAN No. 1/2025 in FMA No.322/2025 passed by the High Court at Calcutta]

HOTEL APPOLO AND TOURS PRIVATE LIMITED

Petitioner(s)

VERSUS

THE INDIAN PERFORMING RIGHT SOCIETY LIMITED.

Respondent(s)

(IA No. 242820/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 242821/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Neeraj Kishan Kaul, Sr. Adv.

Mr. Yashwant Singh, AOR

Mr. Harshit Anand, Adv.

Ms. Ira Mahajan, Adv.

Mr. Rohan Poddar, Adv.

Mr. Amogh Bansal, Adv.

Mr. Bijoy Saha, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Application for exemption from filing certified copy of the impugned judgment is allowed.

2. Heard Mr. Neeraj Kishan Kaul, learned senior counsel appearing for the petitioner.

3. Learned senior counsel contends that the petitioner-hotel has subscribed to the cable operator who has a licence from the respondent-Society. Learned senior counsel drawing attention to paragraphs 28 and 40 of the judgment of this Court in the case of *Hotel & Restaurant Assn & Another v. Star India (P) Ltd. & Others*¹ contends that the petitioner is not transmitting signals to any other person. On the contrary, the petitioner is recipient of it.

4. Learned senior counsel further drawing attention to Section 52(1)(k) of the Copyright Act, 1957 submits that the said sub-clause only deals with an 'enclosed room meant for common use' and cannot be extended to individual rooms in a hotel which obviously are not for common use purposes.

5. Learned senior counsel also distinguishes the judgment of the learned Single Judge of the Delhi High Court in the case of *Super Cassettes Industries Ltd. v. Nirula Corner House (P) Ltd.*² *inter alia* on the ground that not only was the said judgment rendered in the context of an Order VII Rule 11 of the Code of Civil Procedure, 1908 application but the said judgment did not notice the judgment of this Court in *Star India (supra)*.

1 . (2006) 13 SCC 753

2 . (2008) SCC OnLine Del 360

6. Learned senior counsel submits that the Trial Court had rightly declined the injunction and pending appeal, the respondent did not have any interim order. Learned senior counsel submits that under the circumstances, to force the petitioner to seek a licence from the respondent would be contrary to law.

7. Issue notice, returnable on 12th October, 2026.

8. Till the next date of hearing, there shall be an interim stay of operation of the impugned order.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER