

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. 267163/2026 - INTERVENTION APPLICATION

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

IA No. 253210/2026 - VACATING STAY)

Date : 09-09-2026 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. Shadan Farasat, Sr. Adv.

Mr. Yashwant Singh, AOR

Mr. Harshit Anand, Adv.

Mr. Amogh Bansal, Adv.

Mr. Rohan Poddar, Adv.

Mr. Nazrul Islam, Adv.

For Respondent(s) :

Mr. S. Guru Krishnakumar, Sr. Adv.

Mr. Amit Prasad, Sr. Adv.

Mr. Vipin Nair, Adv.

Mr. Ameet Datta, Adv.

Mr. Soumya Ray Chowdhury, Adv.

Mr. Anuj Tiwari, AOR

Ms. Riddima Sharma, Adv.

Mr. Mukul Kochhar, Adv.

Mr. Akshay Nagarajan, Adv.

Ms. Samina Khanum, Adv.
Mr. Naimish Tewari, Adv.
Ms. Gauri Khanna, Adv.
Mr. Shivendra Nath Mishra, Adv.
Mr. Vaibhav Vats, Adv.
Mr. Sameer Mishra, Adv.
Ms. Manisha Chaba, Adv.

For Applicant(s)
in IA No. 267163/2026

Mr. Sameer Parekh, Adv.
Ms. Sonal Gupta, Adv.
Ms. Riya Kumar Sharma, Adv.
For M/S. Parekh & Co., AOR

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

1. Heard Mr. Shadan Farasat, learned senior counsel appearing for the petitioner, Mr. Guru Krishna Kumar, learned senior counsel appearing for the respondent-Society and Mr. Sameer Parekh, learned counsel appearing for the intervenor.
2. Pursuant to our last order dated 2nd September, 2026, the Registrar (Judicial Listing) has forwarded a report authored by the Additional Registrar on the issue referred to in the aforesaid order.
3. We have perused the report and accept the same. The Registry is already taking steps with the Computer Cell to suitably modify the relevant fields/validation mechanism in the ICMIS so that such technical errors are not repeated in future.
4. We had further directed the petitioner in the order of 2nd September, 2026 to place the licence which

according to them the Cable Operator possessed from the respondent-Society. The basis for this direction was that the interim order of 20th August, 2026 was made on the assertion of the learned senior counsel for the petitioner, on instructions from the petitioner, that the Cable Operator from whom the petitioner-hotel had subscribed the connection had a licence from the respondent-society. We had noticed that this was repeatedly asserted and also continued at the mentioning hearing on 24th August, 2026. At the hearing on 2nd September, 2026, the letter from the Cable Operator was produced which only stated that all copyright licences were available and did not say that the copyright licence from the respondent-society was available. This was the reason why this Court directed the petitioner to produce the licence claimed by them.

5. Today, learned senior counsel for the petitioner candidly submits that the Cable Operator has no such licence. On the contrary, what the learned senior counsel asserts is that the respondent-Society grants a licence to the broadcaster channel and the broadcaster in turn has an inter-connection agreement with the multi system operator which multi system operator has an inter-connection with the local Cable Operator. The contention is that the broadcaster has a licence.

6. This is completely contrary to what was repeatedly asserted before and which formed the basis for our interim order.

7. Learned senior counsel for the respondent-Society drawing attention to the pleadings has stated that there are hotels who have taken direct licence from the respondent-society. He has also shown us a sample copy of the licence. This is independent of the licence to the broadcaster which copy has also been shown to us.

8. The real question will be whether the hotel can rest content with the broadcaster having the licence. What cannot be disputed is that the foundation of the interim order was a statement that the Cable Operator had a licence.

9. The question now is whether the petitioner be penalized by vacating the interim order or be directed to deposit in the Court an appropriate amount as a condition to have the benefit of the interim order. We are of the opinion that the petitioner should be directed to deposit an amount of Rs.12,00,000/- (Rupees twelve lakhs) in this Court.

10. On deposit, the amount to be kept in a fixed deposit receipt on a short-term basis with auto-renewal facility.

11. We are constrained to adopt this course of action as it is now categorically stated that the Cable Operator does not have a licence. However, we will still have to decide whether at all the Cable Operator is required to have a licence at all, or whether a licence issued to the broadcaster is enough. The parties have submissions to make on this issue.

12. Pending consideration of that, we modify the interim order passed on 20th August, 2026 and direct that the petitioner shall continue to have the benefit of the interim order only upon deposit of an amount of Rs.12,00,000/- (Rupees twelve lakhs). The said amount shall be deposited within a period of two weeks in this Court.

13. At this stage, learned senior counsel for the respondent submits that the impugned order being an interim order passed in a suit *inter partes* between the respondent and the petitioner, the order should be confined, for the time being, to the peculiar facts of the case.

14. Needless to say that being an interim order which has resulted in an order in appeal by the High Court, the order is made on the peculiar facts of the case.

15. Rejoinder affidavit filed by the petitioner is taken on record.

16. List the main matter along with the applications on 29th September, 2026 at 2.00 p.m.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER