

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)

([ONLY I.A. NO. 253210/2026 IS LISTED UNDER THIS ITEM.]
IA No. 253210/2026 - VACATING STAY)

Date : 02-09-2026 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. Neeraj Kishan Kaul, Sr. Adv.
Mr. Shadan Farasat, Sr. Adv.
Mr. Yashwant Singh, AOR
Mr. Harshit Anand, Adv.
Ms. Ira Mahajan, Adv.
Mr. Amogh Bansal, Adv.
Mr. Rohan Poddar, Adv.
Mr. Dheeraj Kumar, Adv.
Mr. Bijoy Saha, Adv.

For Respondent(s) :

Mr. 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 Kochar, Adv.
Mr. Akshay Nagrajan, Adv.
Ms. Samina Khanum, Adv.
Mr. Naimish Tiwari, Adv.
Ms. Gauri Khanna, Adv.
Mr. Shivendra Nath Mishra, Adv.
Mr. Vaibhav Vats, Adv.

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

IA No. 253210/2026 - VACATING STAY

1. In this matter on 20th August, 2026, this Court passed the following order:

"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. & Others¹ 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

1 . (2006) 13 SCC 753

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).

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."

2. On 24th August, 2026 in the morning, Mr. Guru Krishna Kumar, learned senior counsel, instructed for the respondent-Indian Performing Right Society Limited (IPRSL), appeared before us for a listed mentioning. The grievance was that in spite of a caveat under the Supreme Court Rules being lodged on 6th August 2026 in this matter, no caveat notice along with a copy of the paper book were supplied.

3. On mentioning, an application being IA No.253210 of 2026 for vacating stay was directed to be listed for

2 . (2008) SCC OnLine Del 360

today i.e. 2nd September, 2026.

4. Today, the application for vacating stay is on Board and vacation of stay is sought on the ground that that the caveator/respondent was not served.

5. The Registrar (Judicial Listing) either by himself or through a senior officer deputed by him shall examine the issue and submit a report as to how caveat clearance was obtained by the petitioner before listing of the matter on 20th August, 2026 before the Court.

6. If required, the assistance of the Advocates-on-Record for both the petitioner and the caveator/respondent can be taken.

7. Let a report be placed along with this matter on 9th September, 2026.

8. We also draw attention of the learned senior counsel appearing for the petitioner to the solemn statement made before us on 20th August, 2026 to the effect that the petitioner-hotel has subscribed to a cable operator who has a licence from the respondent-society.

9. On 20th August, 2026 when we put this query to learned senior counsel for the petitioner, in our presence, he obtained instructions and made it clear that he was making the submission on instructions of the instructing lawyers. Thereafter, again when the matter was mentioned on 24th August, 2026, we put it to

Mr Yashwant Singh, Advocate-on-Record for the petitioner as to whether the statement that the cable operator of whom they are the subscribers has a licence from the respondent-society. Learned Advocate-on-Record confirmed that the cable operator of whom the petitioner is the subscriber has a licence.

10. Today, learned senior counsel appearing for the petitioner draws attention to the additional affidavit filed by the Managing Director of the petitioner annexing therewith a letter of one Madhurima Brahma, Cable Operator which reads as follows:

**"Madhurima Brahma
CABLE OPERATOR**

**Phone: 9547947174/ 8900448370
Address: MALLAGURI, P.O. PRADHAN NAGAR,
SILIGURI - 734003**

DATE: 24/08/26

Dear Sir/Madam,

I hereby inform you that I am a cable operator of CCN and am associated with unit-57/D. I am writing to confirm that the requisite permissions, licences, and supporting documents necessary for the lawful operation and distribution of television services at Hotel Appolo are duly available with CCN.

This includes all applicable and valid licences and authorisations, including the requisite copyright licence covering the television content services bring provided.

Accordingly, there is no legal or licensing impediment to the operation of CCN television services at Hotel Appolo, and the services may be continued through our network in accordance with the applicable licences and regulations.

Yours faithfully,

sd/-

CCN Unit No.:-57/D"

11. The letter though states that all licences including the requisite copyright licence are available, it does not say that there is a licence from the respondent-society.

12. We direct the petitioner to place the licence that the cable operator possesses on record before the Court on the next date of hearing.

13. List the application along with the main petition on 9th September, 2026.

14. Let a copy of this order be sent to the Registrar (Listing) for appropriate action.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER