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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12076/2016

M/S EVENT AND ENTERTAINMENT MANAGEMENT
ASSOCIATION (EEMA) Petitioner
Through Mr. Abhishek Malhotra with Mr.
Kumar Sudeep, Advocates.

versus

UNION OF INDIA & ORS Respondent
Through Mr. Sanjeev Narula, CGSC with Mr.
Anshuman Upadhyay and Ms. Vinita
Sasidhar, Advocates for respondent
Nos.1 and 2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **23.12.2016**

CM No.47717/2016 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 12076/2016 & CM No.47716/2016 (for interim relief)

The petitioner seeks a mandamus directing respondent No.1 to hold an enquiry against respondent Nos.3 to 5 for having violated the provisions of Section 33 of the Copyright Act, 1957 (hereinafter referred to as 'the Act'). It is contended that under Section 33 of the Act, no person or association of persons can, after coming into force of the copy right (Amendment Act, 1994) (which was notified on

10.05.1995), *inter alia* commence or, carry on the business of issuing or granting licences in respect of any work in which copyright subsists.

It is submitted that as per the information of the petitioner, respondent Nos.3 and 4 were earlier registered as Copyright Societies but their registration lapsed on 31.06.2013 and, thereafter, they were not granted fresh registration and, as per the information of the petitioner, respondent No.5 was never registered as Copyright Society. It is contended that the said respondents are continuing to function in violation of the Section 33 of the Act and are issuing and granting licences in respect of copyrighted work of which they do not hold the copyright.

Issue notice. Notice is accepted by the learned counsel appearing for the respondent Nos.1 and 2.

Notice shall issue to respondent Nos.3 to 6, returnable on 24.04.2017.

Learned counsel appearing for the respondent Nos.1 and 2 submits that even the said respondents have been receiving complaints of violation against the respondent Nos.3 and 4 and appropriate inquiry has already been initiated and interim steps have been taken inasmuch as , on the website of the Department of Industrial Policy and Promotion, a public notice has been displayed informing public that the respondent Nos.3 and 4 are no longer registered as Copyright Societies.

Since the respondent Nos.1 and 2 have already initiated an inquiry and are taking action *vis-a-vis* the respondents Nos.3 and 4

and their stand is that neither of the three respondents i.e. respondent Nos.3 to 5 are registered in terms of Section 33 of the Act, till the next date of hearing, the respondent Nos.3 to 5 are restrained from acting in contravention of Section 33 of the Act and the respondent Nos.1 and 2 are directed to take action in accordance with law for any breach of provisions of Section 33 by the respondent Nos.3 to 5.

Renotify on 24.04.2017.

Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 23, 2016

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