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ITEM NO.MM-1-G

COURT NO.1

SECTION XIV

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 (Civil) No(s).32998/2012

(From the judgement and order dated 17/10/2012 in CM No.18117/2012  
in FAO No.505/2012 of The HIGH COURT OF DELHI AT N. DELHI)

BATA INDIA LTD.

Petitioner(s)

VERSUS

PRAKASH JHA PRODUCTIONS & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for  
interim relief)

Date: 19/10/2012 This Petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.

Mr. Bimal Roy Jad, Adv.

Mr. P.R. Sikka, Adv.

Mr. Amet Sikka, Adv.

Mr. N.G. Dev, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.

Mr. Jaideep Gupta, Sr. Adv.

Mr. Ameet B. Naik, Adv.

Mr. M.P. Jha, Adv.

Ms. Aparajita Singh, Adv.

Mr. Harshvardhan Jha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Taken on Board.

Having heard learned counsel for the petitioner as well  
as learned counsel for the Respondent Nos.1-3 and having looked  
into the lyrics and the song in question, we are of the view

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that the same is in poor taste and the wordings indicating the  
names of certain Business Houses could have been avoided. However,  
we are also of the view that there does not appear to be any  
intention in the song to besmirch the reputation of any particular  
Business House or commercial enterprise and that the entire song  
has been written in a manner which attempts to depict the  
producer's view of the state of society today.

In a similar petition, which had been filed before the  
Calcutta High Court by the Birla Group, the learned Single Judge of  
the High Court had directed that the song, when played, was to be  
run with the following disclaimer:

"Use of the names of the song are merely as example. No  
injury or disrespect is intended to any particular person  
or brand."

We repeat that the song appears to have been written in the context of the theme of the film and ought not to be taken as any kind of aspersion against the persons named in the said song. We may also indicate that the Division Bench of the Calcutta High Court has maintained the Order of the learned Single Judge. We, however, add that such disclaimer should also be included in the audio version and that the same should be aired before the song is played. We also endorse the views expressed by the Division Bench of the High Court that the wordings of the song are not likely to be taken literally by the viewers.

The special leave petition is, accordingly,

...3/-

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disposed of, but we make it clear that this Order shall not in any way affect the outcome of the suit pending before the Delhi High Court.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Juginder Kaur ]  
Assistant Registrar