

\$~Suppl.-30, 31 & 59 to 65

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

+ RFA30/2021, CM APPLs.1988-90/2021

TV TODAY NETWORK LTD

.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED

.....Respondent

Through: Mr. Pragyan Sharma, Mr. Neeraj
Gupta, Mr. Liliaan Daas &
Ms. Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

+ RFA 32/2021, CM APPLs.2090-92/2021

RAJASTHAN PATRIKA PRIVATE LIMITEDAppellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents
Through: Mr.Pragyan Sharma, Mr.Neeraj K
Gupta, Mr. Liliaan Daas
&Ms.Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

Mr.Harsh Kaushik, Mr.Abhay
Chattopadhyay, Ms.Anushree,
Ms.Pranita Saboo, Mr.Navankur
Pathak, Mr.S.S Ahluwaliaand
Mr.Mohit Bangwal, Advocates for
R-3/Rajasthan Patrika

Mr. Amit Sibal, Senior Advocate
with Mr. Neel Mason, Mr. Harsh
Kaushik, Ms. Riddhima Pabbi, Mr.
Vihan Dang, Mr. Uday S Chopra,
Mr. Shivang Sharma and Ms.
R.Ramya, Advocates for Super
Cassettes Industries Private
Limited

Ms. Niyati Kohli, Advocate for
respondent No.5-Sony Music
Entertainment Pvt. Ltd.

Mr.Neel Mason, Mr.Anshu Bhanot
and Mr.Anuj Mirdha, Advocate for
R-9

Ms. Mamta Jha, Mr. Waseem
Shuaib Ahmed, Mr. Vipul Tiwari,
Mr. Sambhav Jain, Advs. For
R/Zee Entertainment Enterprises
Ltd.

ENTERTAINMENT NETWORK INDIA LIMITED.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents

Through: Mr. Pragyan Sharma, Mr. Neeraj K
Gupta, Mr. Liliaan Daas
& Ms. Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

Mr. Harsh Kaushik, Mr. Abhay
Chattopadhyay, Ms. Anushree,
Ms. Pranita Saboo, Mr. Navankur
Pathak and Mr. Mohit Bangwal,
Advocates for R-3/Entertainment
Network India Limited

Ms. Niyati Kohli, Advocate for
respondent No.5-Sony Music
Entertainment Pvt. Ltd.

+ RFA 18/2021, CM APPLs.1338 -40/2021

DIGITAL RADIO MUMBAI BROADCASTING LIMITED

.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad

Irani, Ms. Sapna Chaurasia, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr. Gurmukh Choudhri, Ms. Sanya Dua, Ms. Chanan Parwani, Ms. Pritha Suri and Mr. Vinayak Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents

Through: Mr. Pragyan Sharma, Mr. Neeraj K Gupta, Mr. Liliaan Daas & Ms. Gurnoor Kaur, Advocates for R/Phonographic Performance Limited

Ms. Mamta Jha, Mr. Waseem Shuaib Ahmed, Mr. Vipul Tiwari, Mr. Sambhav Jain, Advs. For R/Zee Entertainment Enterprises Ltd.

+ RFA 19/2021, CM APPLs.1348 -50/2021

SOUTH ASIA FM LIMITED

.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv. with Mr. Rajshekhar Rao, Mr. Abhishek Malhotra, Mr. Kaizad Irani, Ms. Sapna Chaurasia, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr. Gurmukh Choudhri, Ms. Sanya Dua, Ms. Chanan Parwani, Ms. Pritha Suri and Mr. Vinayak Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents
Through: Mr.Pragyan Sharma, Mr.Neeraj K
Gupta, Mr. Liliaan Daas
&Ms.Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

+ RFA 20/2021, CM APPLs.1500 -02/2021
DB CORP LTD

.....Appellant
Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents
Through: Mr.Pragyan Sharma, Mr.Neeraj K
Gupta, Mr. Liliaan Daas
&Ms.Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

Mr.Harsh Kaushik, Mr.Abhay
Chattopadhyay, Ms.Anushree,
Ms.Pranita Saboo, Mr.Navankur
Pathak and Mr.Mohit Bangwal,
Advocates for R-3/D.B. Corp Ltd.

+ RFA 25/2021, CM APPLs.1884 -88/2021
MUSIC BROADCAST LIMITED

.....Appellant
Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.

Abhishek Malhotra, Mr. Kaizad Irani, Ms. Sapna Chaurasia, Ms. Shilpa Gamnani, Ms. Atmaja Tripathy, Ms. Sneha Herwade, Mr. Gurmukh Choudhri, Ms. Sanya Dua, Ms. Chanan Parwani, Ms. Pritha Suri and Mr. Vinayak Mehrotra, Advocates

And

Mr. Sandeep Sethi, Sr. Adv. with Mr. Sagar Chandra, Ms. Surabhi Iyer, Mr. Shubhie Wahi and Mr. Raghu Vinayak Sinha, Advocates

Versus

TIPS INDUSTRIES LTD & ORS.

..... Respondents

Through: Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay, Ms. Anushree, Ms. Pranita Saboo, Mr. Navankur Pathak and Mr. Mohit Bangwal, Advocates for R-1/Music Broadcast Limited

Mr. Pragyan Sharma, Mr. Neeraj K Gupta, Mr. Liliaan Daas & Ms. Gurnoor Kaur, Advocates for R/Phonographic Performance Limited

Mr. Amit Sibal, Senior Advocate with Mr. Neel Mason, Mr. Harsh Kaushik, Ms. Riddhima Pabbi, Mr. Vihan Dang, Mr. Uday S Chopra, Mr. Shivang Sharma and Ms. R. Ramya, Advocates for Super Cassettes Industries Private Limited

Mr.Vaibhav Vutts, Mr.Anshu
Bhanot and Mr.Anuj Mirdha,
Advocate for R-2

+ RFA 26/2021, CM APPLs.1905-07/2021

RELIANCE BROADCAST NETWORK LIMITED.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents

Through: Mr.Pragyan Sharma, Mr.Neeraj K
Gupta, Mr. Liliaan Daas
&Ms.Gurnoor Kaur, Advocates for
R/Phonographic Performance
Limited

Mr. Amit Sibal, Senior Advocate
with Mr. Neel Mason, Mr. Harsh
Kaushik, Ms. Riddhima Pabbi, Mr.
Vihan Dang, Mr. Uday S Chopra,
Mr. Shivang Sharma and Ms.
R.Ramya, Advocates for Super
Cassettes Industries Private
Limited

+ RFA 29/2021, CM APPLs.1943-45/2021

NEXT RADIO LIMITED

.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Rajshekhar Rao, Mr.
Abhishek Malhotra, Mr. Kaizad
Irani, Ms. Sapna Chaurasia, Ms.
Shilpa Gamnani, Ms. Atmaja
Tripathy, Ms. Sneha Herwade, Mr.
Gurmukh Choudhri, Ms. Sanya
Dua, Ms. Chanan Parwani, Ms.
Pritha Suri and Mr. Vinayak
Mehrotra, Advocates

Versus

INDIAN PERFORMING RIGHT SOCIETY LIMITED & ORS.

.....Respondents

Through: Mr. Pragyan Sharma, Mr. Neeraj K
Gupta, Mr. Liliaan Daas
& Ms. Gumoor Kaur, Advocates for
R/Phonographic Performance
Limited

Mr. Harsh Kaushik, Mr. Abhay
Chattopadhyay, Ms. Anushree,
Ms. Pranita Saboo, Mr. Navankur
Pathak and Mr. Mohit Bangwal,
Advocates for R-4/Next Radio

Ms. Mamta Jha, Mr. Waseem
Shuaib Ahmed, Mr. Vipul Tiwari,
Mr. Sambhav Jain, Advs. For
R/Zee Entertainment Enterprises
Ltd.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

ORDER

19.01.2021

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The appeals have been heard by way of video conferencing.

Ms. Niyati Kohli, Advocate, points out that Agarwal Law Associates (whose matters one of us Manmohan, J, does not hear) is appearing for one of the respondents. She states that the said firm had been appearing for the respondent even before IPAB.

It is pertinent to mention that the present batch of appeals has been filed challenging the common order dated 31st December, 2020 passed by IPAB.

In the present batch of matters IPAB has taken a view which is diametrically contrary to the view taken by a learned Single Judge of this Court in CS(OS) 666/2006 and CS(OS) 1996/2009.

When this Court had heard RFA(OS) 5/2021 & 6/2021 challenging the aforesaid impugned order passed by learned Single Judge of this Court, it had directed that the judgment of the learned Single Judge shall not be relied upon or used as a precedent as it was of the opinion that the issue in question required consideration by a Division Bench.

On parity of reasoning, a similar order would have been called for in the present batch of matters. However, the present batch matters cannot be heard by this Court.

Consequently, Registry is directed to list RFA(OS) 5/2021 & 6/2021 before this Court tomorrow so that the interim order dated 14th January, 2021 can be vacated and the matters be heard on a “clean slate” by another Division Bench along with the present batch of matters.

List the present batch of matters before another Bench of which one of us (Manmohan, J) is not a member, on 27th January, 2021, subject to orders of Hon’ble the Chief Justice.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

JANUARY 19, 2021
CK/KA