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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO.1708 OF 2025
IN
COMMERCIAL (IP) SUIT (L) NO.16339 OF 2024
WITH
COMMERCIAL (IP) SUIT (L) NO.16339 OF 2024

Novex Communications Private LimitedApplicant/Plaintiff

Versus

National Sports Club Of India & Anr.Defendants

Mr. Rashmin Khandekar a/w. *Nirali Atha i/b. Dua Associates, for Plaintiff/Applicant.*

Mr. Jinay Jain i/b. *Jani & Parikh, for Defendant No.2.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 28, 2026

ORDER :

1. Liberty is granted to the Defendants to file an additional affidavit dealing with the event held over the last three days at the National Sports Club of India's ("**NSCI**") 'Dome' premises, particularly since the present application

has been filed under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908.

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Page 1 of 3
AUGUST 28, 2026

Aarti Palkar

2. Such affidavit would have the effect of amending the application and putting the Defendants to notice of further breach of interim arrangements obtaining in the matter.
3. Learned Advocate for the NSCI submits that the Dome premises have been given out under an Operation and Management Agreement to Defendant No.2 and it is the obligation of Defendant No.2 to ensure compliance with the applicable laws including orders passed under the Copyrights Act, 1957.
4. Learned Advocate for the Applicant/Plaintiff submits that each of the Defendants cannot its wash hands off, pointing to the other, resulting in the interim orders being flouted.
5. Let a reply to the additional affidavit be filed within a period of two weeks from today.
6. Since it was submitted yesterday on behalf of Defendant No.2 that an application for a license has indeed been made and that the response of the Plaintiff was awaited, on a query from the Court, the basis of that statement, which is a letter dated August 20, 2026, has been tendered across the bar. The same is marked 'X' for identification and taken on record. This letter is nothing but a request from the Transport Minister of the State of Maharashtra seeking a complimentary license i.e. without charging any fees, in view of the

purported public significance of the programme being held over a three-day period. This is far from a commercial offer to arrive at a resolution in respect of license fees for valid usage of the intellectual property owned by the Plaintiff.

7. Meanwhile, the Plaintiff would once again provide to the Defendants the tariff policy of the Plaintiff to see whether the parties can resolve and arrive at a commercial agreement for the usage of the Plaintiff's intellectual property.

8. Stand over to ***September 28, 2026***.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]