

% 28.12.2007


Present: Mr. Lalit Bhasin, Adv. With Ms. Ratna Dwivedi, Ms. Rajeshwari Shukla, Ms. Sheetu Bhat, Mr. Zainul Abidin and Mr. Amit Shukla, Advocates.  
Mr. A.S. Chandhok, Sr. Advocate, with Mr. Ameet Datta Adv. for respondent No.2  
Ms. Kanika Mehra, Adv. For respondent No.3

+ C.M. 18229/2007 in W.P.(C) 452/1999

By way of this application the petitioner seeks permission to hold special events scheduled on 31<sup>st</sup> December, 2007/1<sup>st</sup> January, 2008 without getting a licence from IPRS-respondent No.2. herein.

Counsel for the petitioner further contends that the matter concerning vires of Sections 2(ff), 13, 33(3) and 34(3) of the Copyright Act, 1957 is pending disposal before the regular bench and the petitioner has already complied with the directions given by this Court vide order dated 19<sup>th</sup> December, 2005.

The necessity for filing this application arose, as per counsel for the petitioner as the members of the petitioner have received a letter dated 18<sup>th</sup> December, 2007 from IPRS-respondent No.2 intimating that without obtaining the licence for public performance from IPRS, they can not hold the special events. A copy of the said letter, along with the tariff, is placed on record at pages 1528 to 1529.

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Mr. Arvind P. Bhatnagar

Issue notice. Mr. Ameet Datta, Advocate, accepts notice on behalf of Respondent No.2. Ms. Kanika Mehra, Advocate, accepts notice on behalf of respondent No.3.

Mr. A.S. Chandhok, learned counsel has invited attention to the tariff placed on record (at page 1529), paragraph of which clearly states that the tariff would come into force with effect from 1<sup>st</sup> April, 2006. Mr. Chandhok has also brought to notice a copy of the circular of Taj Mahal Palace & Towers intimating/circulating the policy of the Hotel for organizing musical events etc. The contention of Mr. Chandhok is that once the Member of the Federation itself has highlighted in the said policy the obligation to pay the licence fee, they cannot act against their own circular. Be that as it may, the main issue is pending disposal before the regular bench. However, in the meantime, the petitioner-Federation shall clearly intimate to respondent No.2 as to what special events the Members of the Federation are going to organize and on which dates. They shall also intimate the exact capacity of the participants in such special events. Thereafter respondent No.1 shall intimate the exact royalty that, according to them is to be charged for the said special events. After such communication indicating the amount of royalty fee is received, the amount shall be deposited by the petitioner-Federation and its Members within a period of six weeks.

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from the date of the communication with the Registrar General of this Court. The said deposit made by the Federation and its Members will be subject to the final decision by the regular bench. Let all the special events to be organized by the petitioner-Federation and its Members be observed by Respondent No2. The application stands disposed of.

A copy of this order be given DASTI to counsel for the petitioner under the signature of the Court Master.

*sd/-***KAILASH GAMBHIR, J.***sd/-***VIPIN SANGHI, J.****December 28, 2007**

jt.

*True Copy**sd/-*  
29/12/07  
**Court Master**  
**High Court of Delhi**  
**New Delhi**