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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 486/2026

CINEFIL PRODUCERS PERFORMANCE LTD. ....Plaintiff

Through: Ms. Swathi Sukumar, Senior Advocate  
with Mr. Shekhar Menon, Mr. Vishnu  
Thulasi Menon, Ms. Mahi Sharma, Ms.  
Yashpriya Singh, Mr. Ritik  
Raghuwanshi, Ms. Ritika Aggarwal,  
Ms. Anshu Tulsyan, Mr. Yimyanger  
Longkumar, Mr. Archit Jain, Mr.  
Ashaab Khan and Ms. Janet V.,  
Advocates.

versus

HARI OM RETAIL PRIVATE LIMITED ....Defendant

Through:

**CORAM:**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**07.05.2026**

**I.A. 12722/2026 (Additional Documents)**

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act') seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application stands disposed of.

**I.A. 12721/2026 (Pre-Institution Mediation)**

4. This is an application filed by the plaintiff seeking exemption from



instituting pre-litigation Mediation under Section 12A of the CC Act.

5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution Mediation is granted.

6. The application stands disposed of.

**I.A. 12723/2026 (Exemption)**

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing true typed and legible copies of documents.

8. Exemption allowed, subject to just exceptions. However, true typed/translated/clear copies of the documents with proper margins be filed within two weeks with an advance copy to the defendant.

9. The application stands disposed of.

**I.A. 12724/2026 (Seeking permission to file a CD/Pen drive)**

10. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking permission to file CD/Pen Drive and containing the infringing videos and the metadata of the plaintiff's complete repertoire.

11. Exemption allowed, subject to just exceptions. However, CD/Pen drive and the metadata of the plaintiff's complete repertoire be filed within four weeks with an advance copy to the defendant.

12. The application stands disposed of.

**I.A. 12725/2026 (Seeking Additional time to file Court fees)**

13. The present application has been filed by the plaintiff under Section 149 read with Section 151 of CPC, seeking exemption from payment of Court Fees at the time of the filing of the suit.

14. Considering the submissions made in the present application, an extension of two weeks is granted to affix the requisite Court Fees.



15. The application stands disposed of.

**I.A. 12720/2026 (Order XXXIX Rules 1 & 2, CPC)**

16. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC seeking *ex-parte ad-interim* injunction against the defendant.

17. The plaintiff is a registered Copyright Society under Section 33(3) of the Copyright Act, 1957 (hereinafter referred to as '*the Act*') and as such, authorized under Section 34 of the Act to administer and issue licenses for communication to the public and public performance rights in cinematograph films. The plaintiff claims to have a vast repertoire comprising more than 8,000 cinematograph films on behalf of more than 750 copyright owners who are also members of the plaintiff. The plaintiff issues Cinematograph Performance Licences (hereinafter referred to as '*CPLs*') under a tariff scheme which is published and furnished to various commercial establishments including hotels, restaurants, hospitals, malls, electronic retail stores, showrooms, and other establishments where cinematograph films are communicated to the public through television, smart televisions, OTT platforms, internet enabled streaming systems etc.

18. It is claimed that the defendant is a prominent electronic retail chain operating multiple establishments in Delhi. It is alleged by the plaintiff that the defendant in the said establishments utilizes television sets and network-integrated display interfaces connected to satellite reception systems, cable distribution networks, and internet-enabled digital transmission environments through which cinematograph films and audio-visual content are regularly made available for viewing by customers for commercial purposes of sale of its electronic products. The plaintiff claims that such communication is unauthorized transmission of the copyrights that the plaintiff has or its members have over such cinematograph films. Plaintiff also claims that its

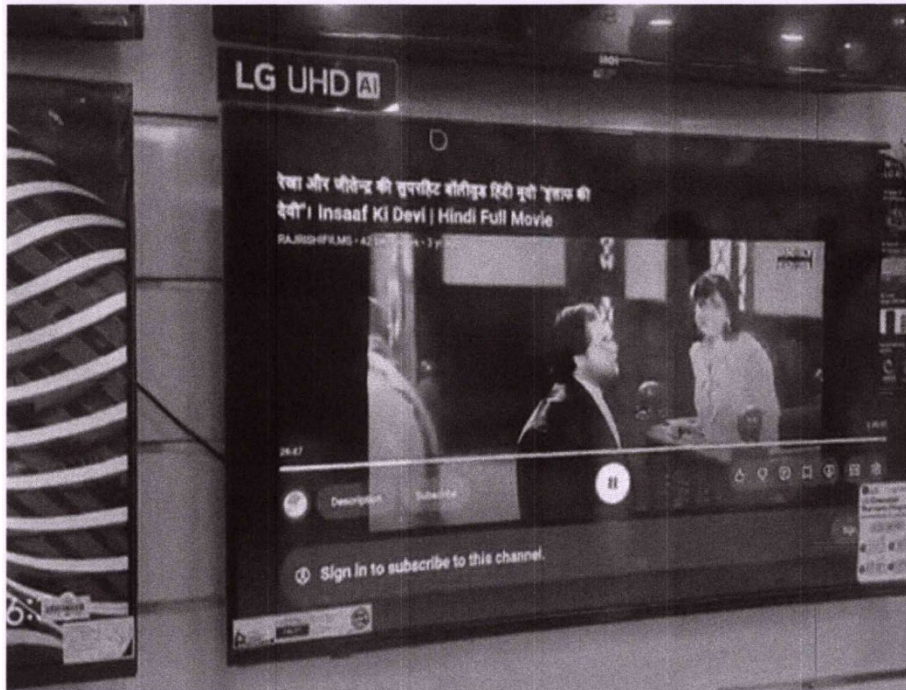


rights under Section 33(3) of the Act are violated including the rights vested by virtue of Section 14(d)(iii) read with Section 51 of the Act.

19. The plaintiff also states that Section 2(d)(v) of the Act recognises the producer as the author of a cinematograph film vested with the exclusive right of communication to the public under Section 14(d)(iii) of the Act which are solely within the domain of the plaintiff as a registered Copyright Society under Section 33 of the act.

20. Upon being given to understand that the defendant is continuing to infringe copyrights of the plaintiff society for commercial purposes for which the defendant was set up, the plaintiff at the first instance issued an Introduction Letter informing the defendant of the various statutory licensing requirements applicable to electronic retail establishments which may be communicated cinematograph films to the public through televisions and digital streaming systems *vide* e-mail dated 28.02.2026. The plaintiff also enclosed therewith the licensing requirement in terms of the Act. However, the defendant did not respond to the same.

21. Subsequently, the plaintiff issued a cease and desist notice dated 06.03.2026 calling upon the defendant to immediately cease the unauthorized communication of the cinematograph films and to regularize its licensing obligations in accordance with the Act. There was no response to the said notice either. It is claimed that the authorized representatives of the plaintiff visited the defendant's premises at Pocket B-2, Phase 2, B2-6, Ashok Vihar II, where cinematograph films, forming part of the plaintiff's repertoire, were found being communicated to the public within the commercial premises of the defendant. The infringing activities and photographs and the video recording made by the plaintiff's representatives is captured in image which is reproduced hereunder:



22. Plaintiff claims that the content which forms subject matter of the plaintiff's repertoire are available on digital platforms like Amazon, Netflix and YouTube, etc., for the public on certain terms which restrict such viewing



only for personal and non-commercial private use. As an example, the plaintiff has placed on record terms and conditions which restrict communication of the repertoire of the plaintiff or any other similar Copyright Society from being commercially exploited by users of such digital platforms. One such condition pertaining to the digital platform Amazon is extracted hereunder:

***h. Limited License to Digital Content.** Subject to payment of any charges to rent, purchase, or access Digital Content, and your compliance with all terms of this Agreement, Amazon grants you a non-exclusive, nontransferable, non-sublicensable, limited license, during the applicable Viewing Period, to access and view the Digital Content in accordance with the Usage Rules, for personal, non commercial, private use. We may automatically remove Digital Content from your Compatible Device after the end of its Viewing Period.*

(emphasis supplied)


23. It is claimed that even the conditions pertaining to the digital platforms do not permit communication of the cinematograph films forming part of the repertoire of the plaintiff for commercial purposes.

24. Predicated thereon, plaintiff seeks an *ex-parte ad-interim* injunction against the defendant.

25. Having heard Ms. Swati Sukumar, learned senior counsel appearing for the plaintiff and having perused the documents on record, it appears that an *ex-parte ad-interim* injunction is warranted.

26. At this stage, it cannot be doubted that the plaintiff is a Copyright Society registered under Section 33(3) of the Act which is supported by the certificate reproduced hereunder:



  
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**F. No. P.24029/31/2020-IPR-VII**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF COMMERCE & INDUSTRY**  
**DEPARTMENT OF INDUSTRY AND INTERNAL TRADE**

**IPR- COPYRIGHT**

**FORM X**  
[See rule 49]


**CERTIFICATE OF REGISTRATION UNDER SECTION 33(3) OF THE COPYRIGHT ACT, 1957**

It is certified that **M/s Cinefil Producers Performance Limited** has been registered by the Central Government, *vide* Registration No. **CS/05/Cinematograph Film Works/2020** as a copyright society under sub-section (3) of section 33 of the Copyright Act, 1957 (14 of 1957) and permitted to commence and carry on the copyright business in **Cinematograph Film Works**.

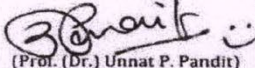
The registration and the permission hereby granted are subject to the following conditions and liable to be cancelled on non-compliance with, or contravention of, any of them, namely:—

(i) that the particulars furnished in the application are true and correct and not misleading in any manner; and

(ii) that the copyright society shall duly comply with all the obligations imposed on it by or under the Copyright Act, 1957 (14 of 1957) and the Copyright Rules, 2013.



New Delhi  
April 18, 2023

  
(Prof. (Dr.) Unnat P. Pandit)  
Controller General of Patents, Designs, and Trademarks  
Registrar of GI and Copyrights

27. The plaintiff has also given its list of members who are approximately 750 in number, and such list is enclosed in the list of documents annexed to the plaint. The plaintiff has also annexed with its documents a list of 8,000 films over which the plaintiff has subsisting copyrights. The said documents substantiate the plaintiff's stand of being the copyright owner of the cinematograph films of its members which are licensed to users under the CPL by virtue of the published tariff scheme which are statutory in nature.



This would also strengthen the submission that communication to the public of its repertoire without obtaining CPL would constitute infringement of its rights under Section 14(d)(iii) of the Act and would amount to an infringement under Section 51 of the Act.

28. The plaintiff has also, *bona fide*, issued an introduction letter to the defendant to obtain necessary statutory licenses from it before communicating the cinematograph films which form part of the repertoire of the plaintiff. However, the defendant appears to have not responded to the same. Similarly, the plaintiff also issued cease and desist dated 06.03.2026 demanding cessation of all infringing activities by the defendant at its various locations in Delhi. This too was not responded to by the defendant.

29. Ostensibly, the defendant appears to be communicating to the public the cinematograph films or portions thereof without obtaining the necessary statutory license from the plaintiff, possibly by virtue of being a user of one of the digital platforms/OTT like Amazon, Netflix or YouTube. The terms and conditions of such digital platforms/OTT also proscribe their individual users from communicating the digital content for commercial purposes except in accordance with the usage rules and that too, only for “personal, non-commercial, private use”. As an example, the plaintiff has also placed on record the screenshots and the video recording of the alleged infringement at the premises of the defendant at a particular location which is referred to in the preceding paragraphs. The plaintiff has identified that cinematograph film as part of its copyrighted repertoire.

30. On a holistic appreciation of the facts obtained from the present suit, it appears that the defendant has not obtained the necessary statutory licenses (CPL) from the plaintiff for communication of the cinematograph films which form part of the plaintiff’s repertoire.

31. Having regard to the above, it is evident that the plaintiff has been able



to establish a *prima facie* strong case in its favour and against the defendant. The balance of convenience bearing in mind the statutory license issued to it under Section 33(3) of the Act and its list of members and the large repertoire of copyrighted cinematograph films in its kitty, is tilted in favour of the plaintiff. The plaintiff shall suffer irreparable loss and injury which may not be compensated in monetary terms in case *ex-pare ad-interim* injunction is not passed against the defendant.

32. Accordingly, the following directions are passed:

- A. Defendants, its directors, partners, proprietors, officers, servants, agents and all persons acting through or under it, are restrained from communicating to the public, broadcasting, rebroadcasting, transmitting, diffusing or otherwise making available cinematograph films forming part of the plaintiff's repertoire within its premises by any means of wireless diffusion or by wire, including through satellite reception systems, cable television distribution networks and internet-enabled digital networking environments, including IPTV platforms, smart display interfaces, AI-augmented audio-visual transmission systems or any other network-integrated transmission infrastructure;
- B. Defendant is directed to suspend and render inoperative the satellite and cable television transmission facilities and the internet-enabled digital transmission environment installed within its premises enabling such communication to the public, unless and until the defendant obtains a valid CPL from the plaintiff, and to ensure that no further communication to the public of cinematograph films forming part of the plaintiff's repertoire takes place within the defendant's establishments without obtaining the requisite licence from the plaintiff in accordance with law.

33. It is made clear that the aforesaid directions are in respect of the



repertoire of the Plaintiff alone.

34. Issue notice.

35. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

36. Compliance of Order XXXIX Rule 3 of CPC shall be done within 7 days from date.

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37. Let the plaint be registered as a suit.

38. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

39. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

40. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

41. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

42. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

43. List before the Joint Registrar (Judicial) on 06.08.2026 for completion of service and pleadings.



44. List before the Court on 06.10.2026.

**TUSHAR RAO GEDELA, J**

**MAY 7, 2026**

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