

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10997 of 2015

and

M.P.No.1 of 2015

M/s.Vibgyor Events

Rep. By its Manager/Authorized
Signatory

Old No.52/1, New No.32,
Solaiyappan Street

Mylapore, Chennai 600 004

... Petitioner

vs

1.Union of India

Rep. By its Secretary to Government
Ministry of Human Resource
Development

Shastri Bhavan, New Delhi 110 001

2.The Registrar of Copy Rights

4th Floor, Jeevan Deep Buildings
Parliament Street,
New Delhi 110 001

3.Indian Performing Rights Society
Limited

Flat No.D-1, Second Floor
Parsn Paradise Residential
Apartments

109, G.N. Road, T.Nagar
Chennai 600 017,

Rep. By its Secretary

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to forbear the third respondent from demanding or collecting any payment of licence fees or royalty from the petitioner for organizing musical events and directing the respondents 1 and 2 to conduct an inquiry into the affairs of the third respondent including the submission of accounts of the amounts realized it by way of license fees etc., and the disbursement of such amounts to the actual owners of copyrights and to take appropriate action against the third respondent for having collected amounts as license fees from various persons without any registration under Section 33A of the Copyright Act for the period beyond 2013.

For Petitioner : Mr.T.Saikrishnan
for M/s.Sai Bharath and Ilan
For Respondents : Mr.Su.Srinivasan
Assistant Solicitor General
for RR1 & 2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that it is a newly established "Event Management Company" for the purpose of organizing various cultural and musical based programmes and events across the country and they have contacted the third respondent, who was duly authorised by the first respondent under Section 33(3) of the Copyright Act, 1957, for the purpose of collecting fee and granting licence for conducting musical programmes on behalf of it's members comprising of authors, composers and publishers of literary/musical works. However, the petitioner found that the schedule of fee structure prescribed by the third respondent, is vague and ambiguous and they reliably understand that the third respondent-society has not got the registration renewed as it expired in 2013, and in this regard, they have submitted a representation to the first respondent on 10.2.2015, requesting them to clarify as to whether they have renewed the licence of the third respondent as a Copyright Society or whether any application is pending. According to the petitioner, though the first respondent has received it, it has not responded and hence, the petitioner came forward to file this writ petition.

3.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.Su.Srinivasan, learned Assistant Solicitor General, who took notice for the respondents 1 and 2, also.

4.Though the petitioner has prayed for a larger relief, this Court, in the facts and circumstances of the case, is of the view that it would suffice to direct the first respondent to consider and dispose of the petitioner's representation dated 10.2.2015, in accordance with law.

5.In the result, the writ petition is disposed of and the first respondent is directed to consider the representation dated 10.2.2015, submitted by the petitioner, in accordance with law, after putting on notice, the third respondent, and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

nsv

To:

- 1.The Secretary to Government
Ministry of Human Resource
Development
Shastri Bhavan, New Delhi 110 001
- 2.The Registrar of Copy Rights
4th Floor, Jeevan Deep Buildings
Parliament Street,
New Delhi 110 001.

+ 2 ccs to M/s.Sai, Bharath Ilan, Advocate SR.21157 & 20918

KJI (CO)
EU 04.05.2015

W.P.No.10997 of 2015



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