

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF OCTOBER 2020

THE HON'BLE MS. JUSTICE P.T.ASHA

O.A.No.520 of 2020

AND

A.Nos.2455 and 2456 of 2020

In the matter of Arbitration and
Conciliation Act, 1996 and
In the matter of disputes between
M/s.K.Punniyamoorthy and
another – Vs- Ondraga
Entertainment arising under the
Production Investment Agreement
dated 10.02.2016.

MR.K PUNNIYAMOORTHY,
S/O.G.KANNAN

Residing at 5B, Riverheights Apartments,
315, Valluvar Kottam High Road,
Nungambakkam, Chennai 600 034.

..Applicant in

O.A.No.520 of 2020 AND

A.Nos.2455 and 2456 of 2020

-Vs-

1. ONDRAGA ENTERTAINMENT

Represented by its Proprietor

Mr.Gautham Vasudev Menon

Having its office

at 61/3, Gandhi Street, Kanagam,

Taramani, Chennai - 600 113.

2. S.VENKATARAMANAN

S/o.J.Somasundaram,
16/1, 3rd Floor, Rukumani Apartments,
Chandrabagh Avenue,
Mylapore, Chennai - 600 004.

3. MS.A.RESHMA GHATALA

D/o.Javeed Ghatala,
No.19 Avenue Road,
Nungambakkam, Chennai - 600 034.

..Respondents

4. M/S.MX PLAYER

Having its Registered office at:
2nd Floor, Wing A,
Kanakia Wall Street, Village Chakala,
Andheri Kurl Road,
Andheri East, Mumbai - 400 093.

5. M/S.AMAZON INDIA

Having its Registered office at
Brigade Gateway,
8th Floor, No.26/1,
Dr.Rajkumar Road,
Malleshwaram (W)
Bangalore-560 055,
Karnakata.

6. M/S.SONY PICTURES NETWORKS INDIA PVT LTD

Having its Registered Office at
4th Floor,
Interface Building,
No.7, Off Malad Link Road,
Malad West, Mumbai-400 064.

7. M/S.VELS FILM INTERNATIONAL LIMITED

Having its Registered office at
No.521/2,
Anna Salai, Nandanam,
Chennai - 600 035.

8 .M/S.NETFLIX ENTERTAINMENT SERVICES INDIA LLP

Having its registered office at

Maker Maxity,
Level 7, 4th North Avenue,
Bandra Kurla Complex,
Bandra East Mumbai,
Mumbai - 400 051.

..Respondents No.4 to 8 / Garnishees in
O.A.No.520 of 2020 AND
A.Nos.2455 and 2456 of 2020

O.A.No.520 of 2020:

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the all the Respondents, especially the proprietor of the 1st Respondent herein from in any manner directing, producing, exploiting, making, acting, selling or offering to sell and exhibiting, releasing, assigning, transferring, alienating pledging, granting, assigning, licensing or in any other manner alienating or encumbering any movie or web series or short films in any form, royalty and obtaining financial benefit in any form including releasing it is any OTT Platform like Youtube, Netflix, Amazon Prime, Hotstar, Time Studio Originals, ALTBalaji, Azeez 5, Voot, SonyLIV, VIC, Hoichoi etc inclusive of theatrical and Satellite Television Broadcast rights, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibiting the titles by means of wireless diffusion and by wire for communication to public through all medium including television medium pending disposal of the arbitral

A.No.2455 of 2020:

Application praying that this Hon'ble Court be pleased to direct the Respondents 1 to 3 especially the proprietor of the 1st Respondent to submit Agreements, Documents and the Accounts and Income earned out of all the short-films and web-series (both direction and production) from the year 2016 to till date before this Hon'ble Court pending disposal of the Arbitration proceedings.

A.No.2456 of 2020:

Application praying that this Hon'ble Court be pleased to pass a prohibitory order against the garnishee including royalty restraining and prohibiting them from paying any amount to the tune of Rs.8,70,00,000/- (Rupees Eight Crores Seventy Lakhs only) and direct the garnishee to deposit the said amount to the credit of this application and consequently restraining and prohibiting the respondent, its agents, representatives or authorized persons from receiving any amount from the garnishee until further orders of this Hon'ble Court pending disposal of the Arbitration proceedings.

These Original Application and applications coming on this day before this court for hearing the court made the following order:

Considering the fact that the arbitral proceedings are pending between the parties, the applicant is permitted to move the Arbitral Tribunal for the aforesaid reliefs. The Arbitral Tribunal shall consider the same in accordance with law.

Sd/.P.T.A.J.
16.10.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/20.10.2020 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

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