

05.01.2022
KC(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)

F.M.A.T. 2 of 2022
M/s. Eskay Video Private Limited and Anr.
-versus-
SVF Entertainment Pvt. Ltd. and Anr.
With
CAN 1 of 2022

Mr. Ratnanko Banerjee,
Mr. Sumit Dhar.....For the appellants.

Mr. Ranjan Bachwat,
Mr. Krishnaraj Thaker,
Mr. Soumya Roychowdhury,
Ms. Shyantee Datta.....For the respondent
no. 1.

Mr. Kushagra Shah,
Ms. Sonal Shah.....For the respondent
no. 2.

As the issue involved is very short, we propose to hear out the appeal and the connected application, dispensing with all formalities.

The case relates to assignment of the copyright in respect of the 'Feluda' stories written by Satyajit Ray. The appellant no. 1 is the co-producer or line producer of Eskay International Limited, claiming to be the assignee of Alpha-I Media Productions Limited.

The respondent no. 1 claims that all rights in respect of the said stories are vested in them by the agreement dated 11th May, 2017 between Ray and Alpha-I Media and the agreement dated 27th August,

2020 between Alpha and themselves. The appellants' case seems to be that all rights of production and distribution of web-shows/serials for four Feluda stories are vested in them by and under an agreement dated 30th January, 2019 with Alpha.

The impugned judgment and order dated 24th December, 2021 is an ex-parte ad-interim order in terms of prayer (a) of the application before the learned court below, till today. The effect of this injunction order is that the appellants are restrained from producing, broadcasting or distributing any of those stories.

The matter is returnable today before the learned court below.

We are of the prima facie view that the reasons given in paragraph 14 of the impugned order are not sufficient and that the question of grant or refusal of grant of an interim order should be re-visited by the learned judge on the returnable date of the application upon hearing the appellants and by a reasoned order, preferably by 20th January, 2022. Only after consideration of the case in the above manner, should the continuance of the interim order be ordered. Any direction for hearing the matter on affidavits may be made at that stage. For the purpose of consideration of continuation of the interim order the learned judge of the court below may make a limited extension of the said impugned ex-parte interim order.

With the above observations and directions, this appeal (F.M.A.T. 2 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. MUKERJI, J.)

(KAUSIK CHANDA, J.)