

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

RVW-IPD/3/2025
IA NO: GA-COM/1/2025

INRECO ENTERTAINMENT PRIVATE LIMITED
VS
M/S. NAV RECORDS PRIVATE LIMITED NA ANR.

For the petitioner : Mr. Shuvasish Sengupta, Adv.
Ms. Shyantee Datta, Adv.

For the respondents : Mr. Sohom Saha, Adv.

Heard on : 08.12.2025

Judgment on : 08.12.2025

Ravi Krishan Kapur, J.:

1. This is an application for review of the order and judgment dated 14 July, 2025.
2. By the said order this Court had allowed an application seeking revocation of dispensation granted to the plaintiff under Section 12A of the Commercial Courts Act, 2015. After hearing both parties, this Court had held as follows:

“Post 2016, there is nothing to suggest that the plaintiff has been alert or vigilant. The fact that the plaintiff had waited for approximately 9 years before filing of the suit per se disentitles the plaintiff to seek dispensation under section 12A of the Act. There is an unexplained and inordinate delay in the filing of this suit which is inapposite to any prayer for urgency as contemplated under section 12A of the Act. There are no grounds whatsoever to claim any urgent interim reliefs. The entire case for urgent interim reliefs has been falsely and artificially created.

There is also no merit in the contention raised on behalf of the plaintiff that the defendant has delayed in approaching this Court. The fact that the defendant chose not to appear either at the interim stage or at the stage after affidavits and has come after the interlocutory application has been disposed of, is irrelevant for the purposes of adjudicating as to whether dispensation under 12A of the Act was justifiably granted or not. It is also true that the cause of action in such matters is recurring in nature but that does not warrant the plaintiff sleeping over its rights since 2016. The question which needs to be

addressed is when did the right to sue arise and the consequential steps which have taken by the plaintiff.”

3. It is contended on behalf of the plaintiff that the order dated 14 July, 2025 is liable to be reviewed on the ground that the Court did not take notice of the fact that there was sufficient correspondence by way of e-mails since February, 2020. Thus, the finding in the order that post 2016 there is nothing to suggest that the plaintiff has been alert or vigilant is incorrect and liable to be interfered with. In this connection, the plaintiff relies on a chart which is enumerated in the application and for convenience is set out below:

Sl. No.	Documents	Pleadings	Location
1.		In the year 2016, the plaintiff came to know that the defendant no. 1 had uploaded the soundtrack of the Punjabi songs of Jasdev Yamla on the platform of the defendant no. 2.	Para 12, page 6 of the plaint.
2.	Email: 20.02.2020	Mail written by the plaintiff to defendant no. 2 complaining regarding some Punjabi contents have been uploaded.	Page 30 of the plaint.
3.	Email: 20.02.2020	Mail written by the defendant no. 2 to the plaintiff that the defendant no. 2 would check internally and get back to the plaintiff.	Page 32 of the plaint
4.	Email: 28.02.2020	The defendant no. 2 informed that the impugned contents belong to one, Nupur Audio, the defendant no. 1.	Page 33 of the plaint
5.	Email: 06.03.2020	Nupur Audio claimed exclusive right over the tracks which had purportedly acquired directly from the singer.	Page 35 of the plaint
6.	Email: 10.03.2020	The plaintiff requested the defendant no. 1 to disclose their rights to upload the songs and/or the scanned copy of the direct singer agreements.	Page 36, para 13/14 of the plaint
7.	Email: 13.03.2020	The defendant no. 1 claimed that the defendant no. 1's agreement was much after 1980s and claimed exclusive rights over the soundtracks. The defendant no. 1 started requesting the plaintiff to disclose their agreements/paper works for these tracks.	Page 37, para 14 of the plaint
8.	Email: 21.03.2020	The plaintiff insisted the defendant no. 1 to	Page 38 of

		produce the copies of the agreements, if any, as the plaintiff considered itself as the claimant against the defendant no. 1.	the plaint
9.	Email: 30.03.2020	Despite efforts, the plaintiff could not amicably resolved the matter and ultimately started approaching the defendant no. 2 to remove the contents from its online platform.	Page 39 of the plaint.
10.	Email: 01.04.2020	The plaintiff represented that the onus of producing the papers first is on the defendant no. 1. The plaintiff is a legit music label and has published the content officially across various platforms. The plaintiff further requested that if the defendant no. 1 has exclusive right over the songs, the plaintiff will acknowledge the same.	Page 40 of the plaint
11.	Email: 02.07.2020	Due to Covid-19 pandemic, the plaintiff was unable to pursue the matter and the plaintiff informed the defendant no. 1 that the plaintiff had taken assistance of a sound laboratory at Kolkata to ascertain whether the version uploaded by the defendant no. 1 on YouTube or other version are identical or not. The sound laboratory has confirmed that both versions are same and identical.	Page 41 of the plaint
12.	Email: 09.10.2020	The plaintiff forwarded the report and notation from the expert to the defendant no. 1 wherefrom it is evident that both the soundtracks are identical.	Page 42 of the plaint.
13.	Email: 20.10.2020	The plaintiff gave a reminder to the defendant no. 1.	Page 43 of the plaint
14.	Email: 26.10.2020	The defendant no. 1 had shown its willingness to resolve the issue as the defendant no. 1 claimed that the defendant no. 1 purchased the rights of the soundtracks directly from the singer.	Page 45 of the plaint.
15.	Email: 28.03.2022	As a senior member of music industry, Mr. Sovanlal Saha again requested the defendant no. 1 to produce the relevant documents.	Page 46 of the plaint
16.	Letter dated 02.12.2022	The plaintiff issued a cease and desist notice to the defendants.	Page 49 of the plaint
17.	Email: 16.12.2022	The defendant no. 2 requested the Advocate for the plaintiff to deal with the matter directly with the defendant no. 1.	Page 55 of the plaint
18.	Email: 11.01.2023	The Advocate of the defendant no.1 replied to the cease and desist notice.	Page 57 of the plaint

4. On behalf of the respondent no. 1, it is submitted that the instant application is not maintainable and there are no grounds whatsoever to seek review of the order.
5. In *Kamlesh Verma v. Mayawati*, (2013) 8 SCC 320 it has been held as follows:

12. This Court has repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient. This Court in *Sow Chandra Kante v. Sk. Habib* [(1975) 1 SCC 674 : 1975 SCC (Cri) 305 : 1975 SCC (L&S) 184 : 1975 SCC (Tax) 200] held as under: (SCC p. 675, para 1)

“1. Mr Daphtary, learned counsel for the petitioners, has argued at length all the points which were urged at the earlier stage when we refused special leave thus making out that a review proceeding virtually amounts to a rehearing. May be, we were not right in refusing special leave in the first round; but, once an order has been passed by this Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition, through different counsel, of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of counsel's certificate which should not be a routine affair or a habitual step. It is neither fairness to the court which decided nor awareness of the precious public time lost what with a huge backlog of dockets waiting in the queue for disposal, for counsel to issue easy certificates for entertainment of review and fight over again the same battle which has been fought and lost. The Bench and the Bar, we are sure, are jointly concerned in the conservation of judicial time for maximum use. We regret to say that this case is typical of the unfortunate but frequent phenomenon of repeat performance with the review label as passport. Nothing which we did not hear then has been heard now, except a couple of rulings on points earlier put forward. May be, as counsel now urges and then pressed, our order refusing special leave was capable of a different course. The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality.”

14. Review of the earlier order cannot be done unless the court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. This Court in *Col. Avtar Singh Sekhon v. Union of India* [1980 Supp SCC 562 : 1981 SCC (L&S) 381] held as under: (SCC p. 566, para 12)

“12. A review is not a routine procedure. Here we resolved to hear Shri Kapil at length to remove any feeling that the party has been hurt without being heard. But we cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. In *Sow Chandra Kante v. Sk. Habib* [(1975) 1 SCC 674 : 1975 SCC (Cri) 305 : 1975 SCC (L&S) 184 : 1975 SCC (Tax) 200] this Court observed: (SCC p. 675, para 1)

“1. ... A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. ... The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality.”

15. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. This Court in *Parsion Devi v. Sumitri Devi* [(1997) 8 SCC 715] held as under: (SCC pp. 718-19, paras 7-9)

“7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In *Thungabhadra Industries Ltd. v. Govt. of A.P.* [AIR 1964 SC 1372] this Court opined: (AIR p. 1377, para 11)

‘11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an “error apparent on the face of the record”. The fact that on the earlier occasion the court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an “error apparent on the face of the record”, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by “error apparent”. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.’

8. Again, in *Meera Bhanja v. Nirmala Kumari Choudhury* [(1995) 1 SCC 170] while quoting with approval a passage from Aribam Tuleshwar Sharma v. *Aribam Pishak Sharma* [(1979) 4 SCC 389] this Court once again held that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be ‘reheard and corrected’. A review petition, it must be remembered has a limited purpose and cannot be allowed to be ‘an appeal in disguise’.

6. The power to review is a creature of statute. A Court of review is not an Appellate Court. Mere possibility of two views is not a ground for review. Accordingly, reassessing of evidence is not within the jurisdiction of a Court exercising powers of review. There is no discovery of new and important matter of evidence which the petitioner has been able to demonstrate nor is there any mistake or error apparent on the face of the record. Nor is there any other sufficient reason which warrants exercise of jurisdiction by way of review.
7. It is well settled that the scope of jurisdiction in the garb of review is limited and circumscribed. In view of the categorical finding that the plaintiff has waited for more than a period of seven years i.e. since 2016 before filing of the suit there is nothing which warrants interference with the order. The finding that i.e. “post 2016, there is nothing to suggest that the plaintiff has

been alert or vigilant.” is not liable to be interfered within the jurisdiction of this Court. The delay in this case was glaring and there has been no ground justifying interference with the order.

8. In view of the above, the instant petition is not maintainable. There are no grounds made out under Order 47 Rule 1 or otherwise which warrant any interference with the order dated 14 July 2025.
9. In view of the above, the application stands dismissed.
10. Accordingly, RVW-IPD/3/2025 stands disposed of. The connected application being GA-COM/1/2025 also stands dismissed.

(RAVI KRISHAN KAPUR, J.)

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