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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (COMM) 479/2023 & I.A. 23573-576/2023

NEXT RADIO LIMITEDPetitioner

Through: Ms. Srishti Gupta, Advocate.

versus

INDIAN PERFORMING RIGHTS
SOCIETY LTD.

.....Respondent

Through: Ms. Riddima Sharma, Advocate.

61

+ O.M.P. (COMM) 494/2023 & I.A 24318-319/2023

INDIAN PERFORMING RIGHTS SOCIETY
LIMITED

.....Petitioner

Through: Ms. Riddima Sharma, Advocate.

versus

NEXT RADIO LIMITED

.....Respondent

Through: Ms. Srishti Gupta, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.07.2025

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1. O.M.P. (COMM) 479/2023 is filed by Next Radio Ltd. under Section 34 of the Arbitration and Conciliation Act, 1996 ('1996 Act') challenging arbitral award dated 03.08.2023, while O.M.P. (COMM) 494/2023 is filed by Indian Performing Rights Society Limited challenging the award in respect of Issue Nos. 2 to 5, 7 to 8 and 10 to 11.

2. The final directions passed by the learned Arbitrator in the arbitral award dated 03.08.2023 are as follows:-



- “1. The claimant's claim for refund of Rs. 2,76,01,693/- paid by the claimant to the respondent towards the license fee is disallowed.*
- 2. The claimant is held entitled to release of Rs. 1.5 Crs deposited with the Delhi High Court along with interest accrued on the amount till the date of release. The claimant may make an application before the Delhi High Court for release of the deposited amount with interest.*
- 3. The respondent's counter-claims are disallowed.*
- 4. The parties shall bear their own costs.”*

3. At the outset, learned counsels for the parties inform the Court that during the pendency of these petitions parties have arrived at amicable settlement of their *inter se* disputes and by mutual agreement have decided to withdraw their challenge to the award, subject to certain directions by the Court. Draft terms have been handed over in Court.

4. It is agreed between the parties that: (a) withdrawal of these petitions will constitute full and final settlement of all their claims referred to arbitration regarding exploitation of copyrighted works assigned to IPRS; (b) Next Radio Ltd. shall be free to seek refund of INR 1.5 Crores along with interest, as per law, deposited in compliance with order dated 04.08.2011 in OMP No. 302/2006 without any objection from IPRS; (c) Upon receipt of the said amount by Next Radio Ltd, no claim of any nature whatsoever, which is subject matter of the arbitration proceedings, shall be made by either party and both parties shall be relieved from all liabilities/claims made before the Tribunal; (d) the settlement has been arrived at in peculiar facts of the present proceedings and will not be treated as a precedent by the parties herein and all contentions as also legal remedies, which are otherwise available to the parties in respect of pending and/or subsequent legal proceedings, including issue of entitlement of IPRS to issue licences and/or collect/receive licence fee/royalties after amendment of Copyright Act, 1957



in 2012 are to be left open.

5. In light of the settlement between the parties, these petitions are disposed of as withdrawn, taking the terms of settlement, as above, on record. Registry is directed to refund a sum of Rs. 1.5 crores lying deposited in this Court in compliance of order dated 04.08.2011 in O.M.P. No. 302/2006 along with upto date interest accrued thereon in favour of Next Radio Ltd., within a period of three weeks from today.

6. This order will not be treated as a precedent and all rights and contentions of the parties as also legal remedies, which are otherwise available to the parties in respect of other pending/subsequent legal proceedings, including issue of entitlement to IPRS to issue licences and/or collect/receive fees/royalties after 2012 are left open, as agreed between the parties.

JYOTI SINGH, J

JULY 11, 2025/Shivam