

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LD-VC-31 OF 2020**

Bhansali Productions Pvt.Ltd. .. Petitioner

Vs.

Eros International Medial
Ltd. & Ors. .. Respondents

Mr. Zal Andhyarujina, Senior Counsel a/w Mr. Parag Khandhar, Mr. Nausher Kohli, Mr. Nachiket Yagnik i/b DSK Legal for Petitioner

Mr. Akshay Patil a/w Mr. Vikrant Zunjarrao i/b Zunjarrao & Co. for Respondent

**CORAM : B.P.COLABAWALLA, J.
DATE : MAY 04, 2020**

P.C.:

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking

urgent ad-interim reliefs restraining the Respondents from in any manner directly or indirectly dealing with, selling, exploiting, assigning, licensing, distributing and/or renewing rights of film titled "Goliyon Ki Rasleela Ram Leela" co-produced by petitioner and respondent No.1.

2. I have heard Mr. Zal Andhyarujina, the learned Senior Counsel appearing on behalf of the petitioner and as well as Mr. Patil the learned counsel appearing for respondent Nos. 1 and 2. On going through the papers, I find that disputes between the parties arose as far back as on 26th October 2018. In fact, a notice was also issued by the Advocates for the petitioner to respondent No.1 as early as on 12th October 2019. Mr. Patil has also brought to my attention paragraph 3.36 of the petition wherein it is averred that the petitioner came across respondent

No.2's Annual Returns published for the fiscal year ended 31st March 2019 wherein the present firm has been specifically mentioned. Despite this, the matter has been moved for urgent ad-interim reliefs only at the end of April 2020. He therefore, submitted that there was absolutely no urgency for grant of any ad-interim reliefs.

3. I have heard Mr. Zal Andhyarujina as well as Mr. Patil. In this petition, I find that there are important questions of law that arise. The main reliefs that are sought in this petition are against respondent Nos. 2 and 3 who are admittedly not parties to the arbitration agreement and also not situated within the jurisdiction of this Court. In fact, respondent No.2 is a party situated in the British Isles and respondent No.3 is situated in Burbank, California. In these circumstances, there will have a

detailed hearing after considering law on the subject as to whether reliefs can be granted under Section 9 against these two parties viz. respondent No.2 and respondent No.3. This being the case, I do not think that a case for ad-interim reliefs is made out at this stage, considering that the Court is hearing only extremely urgent matters due to the COVID-19 pandemic.

4. Having said this, prima facie I find that an amount of Rs.19,39,241/- is payable by respondent No.1 to the petitioner. At this stage, I do not find that this money should be withheld by respondent No.1. In these circumstances, it is directed that without prejudice to the rights and contentions of all parties, respondent No.1 shall pay the amount of Rs.19,39,241/- to the petitioner within a period of three weeks from today. It is made clear that once

the Court resumes normal court working, the petitioner shall be entitled to apply for reliefs against all the respondents in terms of prayer clauses in the petition and it shall be decided on its own merits and in accordance with law. The respondents shall file their affidavit in reply to the petition if they so desire, within a period of four weeks from today.

5. If for any reason the Courts do not resume normal working by 25th June, 2020, the petitioner shall be entitled to apply for reliefs in terms of the petition even through the present mechanism.

6. Considering that the above matter has been heard via Video Conferencing due to the COVID-19 pandemic, it will not presently be possible to sign a copy of this order. In these circumstances, this order will be digitally signed by the Private Secretary of this Court and all concerned parties are directed to act on the digitally

signed copy of this order. They will act on production of a digitally signed copy sent by fax and/or email.

[B. P. COLABAWALLA, J.]