

CENTRE FOR ALTERNATIVE DISPUTE RESOLUTION

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BACKGROUND INFORMATION

Sehaj Productions Private Limited (Sehaj) is one of leading production houses in India, mostly producing Hindi movie music/songs but on occasion, it has also produced music/songs in other regional languages like Tamil, Telugu, Malayalam and Bengali. In less than a decade Sehaj has churned out more than 250 songs which gained popularity and were bought by individuals or film production houses, far more than any other music production house in the country. Many in the music industry say that the success of Sehaj can be solely credited to Mr. Akshay Ghoshal (“Akshay”), the majority owner and Managing Director of Sehaj. Akshay is a celebrated music composer himself and is known as the best business mind in the music industry as he puts his money behind commercial music and chooses experienced music composers and singers for all the music/songs Sehaj produces. Akshay has also been known to be a hands-on producer and is frequently seen at the recordings of every music/song Sehaj produces.

Kapil Rehman (Kapil) is a music director cum composer who is popularly known as the ‘King of Music’ due to his track record of commercial success with the songs he directs and composes. He especially excels in directing and composing classical and theatrical music with each music (instrumental and/or lyrical) breaking records. He is also known for being a micromanager on recording set who likes to control all activities and has a keen eye for detail. Kapil has a particularly successful partnership with singer actor Ajay Kapoor, who has sung 35 songs directed and composed by Kapil, all of which have entered the famed hits club of Indian music. The critics have however always lashed out at Kapil’s songs dubbing them as ‘Mindless rip-offs’ and ‘Trashy duplicates’ and rarely giving his songs a rating above two stars out of five.

DISPUTE FACTS

One of the lyricists working at Sehaj had come up with a song about the tragic pain and story of a couple who end up in the middle of a family feud and are separated from each other and meet after 5 years in an accident. Akshay was simply mesmerized by the lyrics and was even heard sobbing uncontrollably while reading. He immediately wanted to produce the song as he saw the potential of the same resonating with the audience and being a super hit at the box office. He decided that Sehaj will produce the song and that it will be titled ‘Regret’. He further wanted Regret to have a classical tune to it.

Akshay wanted ‘Regret’ to be one of the biggest productions in the Indian music industry and wanted to shoot the song in London. Akshay also managed to get one of Bollywood’s

leading singers Vicky Khan (“Vicky”) to sign up to sing the song alongside Norah Sharma, another leading singer in the industry. However, given the scale of the production and the relative inexperience of Akshay in directing and composing classical tragic songs, a decision was taken by the board of Sehaj to get another director and composer to direct and compose the song.

Akshay was very keen on getting Kapil to direct and compose ‘Regret’ given his flair for directing and composing classical songs and also his stellar track record at the box office with the songs he directs and composes. Thus, a meeting was arranged between Akshay and Kapil to discuss the possibility of the latter directing and composing ‘Regret’. Kapil was a little sceptical about directing and composing the song given that he had never worked on a Sehaj production song and also the fact that Akshay had already finalized the casting of Vicky as the male lead singer instead of Ajay who he felt was a better fit for the song. However, Akshay assured him of the capabilities of Vicky and that he would be great in the song and Kapil agreed to direct and compose ‘Regret’ rather reluctantly.

Before beginning the first cut of ‘Regret’ in the recording studio in London, Kapil had organized a meeting with the entire team involved in directing and composing the song at his residence in Mumbai, as he did with all his previous songs. To his astonishment, Vicky did not turn up even two hours into the meeting and subsequently sent an email to Kapil saying that he would not be able to make it to the meeting because of a personal commitment, which annoyed Kapil greatly.

On arriving at the recording of ‘Regret’ in London, Kapil was surprised to see that Akshay had already arrived at the studio and on enquiring around, he was informed that Akshay had already held an informal meeting with the lyricist and assistant directors that lasted about an hour. Kapil wanted to confront Akshay about the same but decided against it because he had to prepare for the recording.

Several times during the recording Akshay would, without informing Kapil, ask the handler to change the beat of the track and would also be directing the singers on their pitch while Kapil was directing and composing. Akshay also asked Kapil on multiple occasions to change the tune and even decided that an entire sequence recorded by Kapil had to be re-recorded. Kapil was greatly annoyed by the constant interference of Akshay in his work but could not do much about it since Sehaj was producing the song.

Two weeks into the recording, Kapil fell ill and was advised by his doctor to take complete bed rest for a week. With only a few hours’ worth of the track to be recorded,

Kapil informed Akshay and the entire team that he would finish recording the first cut after he recovers from his illness.

However, after three days Kapil got a phone call from his assistant director asking him details for when he would like to start the next cut. On telling him that he can't finalise the second cut without finishing the first one, Kapil was informed that the remaining track of the first cut had already been recorded under the direction of Akshay. That same evening Vicky gave an interview to News Republic TV and was quoted saying that "Kapil Rehman is probably the worst director and composer I've worked with who does not know anything about composing a song." Vicky also went on to say, "My dog knows more about the basics of composing and directing music than Kapil".

Kapil was infuriated with the statement given by Vicky and immediately contacted his lawyer and asked him to send a notice to Sehaj for termination of the contract. The Parties agreed to an early termination and settled the matter.

It was 4 weeks from the termination date, and the Sehaj team was in process of finishing the composition of the song 'Regret' with Akshay as the composer and director and Vicky and Norah as singers. While composing Akshay received a link on his Whatsapp to a song titled 'Grief' which was streaming live and was referred to as "originally composed and directed by Kapil Rehman". The song 'Grief' had the same lyrics as that of 'Regret'.

Astonished and infuriated by this, Akshay asked Sehaj's lawyer to file a suit against Kapil for stealing the lyrics of the song 'Regret' from Sehaj. Given the high stakes of the song, Kapil's lawyer, Ms. Xenobia Myer invoked the mediation clause in Kapil's contract with Sehaj and the parties agreed to mediate.