

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

Dated: 16.05.2019

Appeal No. 09/2019

IN THE MATTER OF:

M. S. RAJESH

.....

APPELLANT

VERSUS

**CENTRAL BOARD OF FILM
CERTIFICATION(CBFC),HYDERABAD**

.....

RESPONDENT

APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 (37 OF 1952) AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION (CBFC) IN RESPECT OF **TELUGU MOVIE "RAKTHAM"**

ORDER

Chief Justice (Retd.) Manmohan Sarin:-

1. The Appeal titled '*M.S Rajesh vs. Central Board of Film Certification Hyderabad*' in respect of the film '**Raktham**' (Telugu) filed by Shri M.S. Rajesh was received in the office of the Tribunal on 18.04.2019. The Appeal assails order dated 12.02.2019 granting 'A' Certification with excisions and modifications as directed.

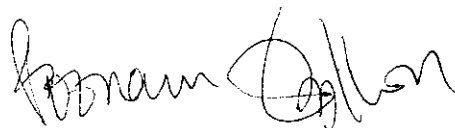
2. The appeal has been preferred after 65 days of the impugned order. It is the Appellant's case that on 12.02.2019, while filing up the form on the CBFC website, he had answered in affirmative, the query regarding filing of appeal before this Tribunal. However, no appeal as required was filed before the

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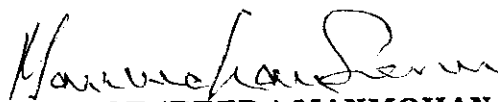
Tribunal. The present appeal has been filed after 65 days and is barred by limitation. It is not within the statutory power of the Tribunal to condone the delay beyond 60 days. This position had been explained to the Appellant vide email dated 22.04.2019.

3. An Appeal under Section 5 (C) of the Cinematograph Act, 1952 is required to be filed within 30 days of the impugned order. The proviso to the Section empowers the Tribunal to allow appeal to be admitted within a further period of 30 days, if satisfied that the Appellant was prevented by sufficient cause in filing the appeal. In this instance, the appeal has been received on 18.04.2019.

4. In these circumstances, the appeal as preferred is barred by limitation and cannot be entertained unless a direction is received for its disposal on merits from the High Court. The appeal in these facts and circumstances is dismissed as barred by limitation.



POONAM DHILLON
MEMBER, FCAT



CHIEF JUSTICE (RETD.) MANMOHAN SARIN
CHAIRPERSON, FCAT