BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNA

20.02.2020

Appeal No. 4/2020

Present: CHIEF JUSTICE (RETD.) MANMOHAN SARIN, CHAIRPERSON,

FCAT

MS. BINA GUPTA, MEMBER, FCAT

MR. SAIBAL CHATTERJEE, MEMBER, FCAT

IN THE MATTER OF:

RADHESHYAM M. PIPALWA

APPELLANT

VERSUS

CENTRAL BOARD OF FILM CERTIFICATION(CBFC), MUMBAI

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 **HINDI FILM "CHIDI BALLAA"**

FOR THE APPELLANT: RADHESHYAM M. PIPALWA [PRODUCER]

FOR THE RESPONDENT: MAHESH KUMAR [RO CBFC, DELHI]
SANJAY JAISWAL [SR. AO, CBFC, MUMBAI]

ORDERS

Chief Justice (Retd.) Manmohan Sarin

The Appellant Mr. Radheshyam M. Pipalwa has preferred this apppeal aggrieved by the order dated 10/01/2020, by which the Examining Committee of CBFC refused to grant the Certificate applied by the Appellant in respect of the film titled 'Chidi Ballaa' (Hindi). The Appellant had sought certification to be issued in the Hindi language for the said film, CBFC had refused Certificate holding;

Refused as this film has already been certified in the Rajasthani language. Applicant is advised to apply under rule 33 in the Rajasthani film itself for the minor modifications made in the Film, rather than applying for the new certificate, as two different certificates cannot be issued for same content.

2. By way of background, it may be noted that the Appellant had earlier applied for and obtained a certificate for the film 'Chidi Ballaa' produced by him in the Rajasthani language. A certificate issued was bearing no. DIL/1/151/2018-MUM 'Chidi Ballaa' (Rajasthani) (colour)-2D dated 27.12.2018.



- 3. The Appellant contends before us that the film is recipient of several awards such as in Accolade Film Festival, California for the best Asian film and in the Jaipur International Film Festival (JIFF).
- 4. As per the CBFC, fresh Certification as sought by the Appellant was declined since the content was almost the same and the Appellant was advised to seek alteration in the Certificate in terms of Rule 33 of the Cinematograph (Certification) Rules, 1983.
- 5. We have had the benefit of hearing Mr. Mahesh Kumar (Regional Officer, Delhi) and Mr. Sanjay Jaiswal (Senior Administrative Officer, CBFC Mumbai), latter also being the Examining Officer of the film. The Appellant pointed out to the both of them the changes made in the film, whereby five songs of the film and some portions of the dialogues had been changed to Hindi language.
- 6. After reflection, the Appellant also realises and recognises that the film content is almost the same barring the introduction of Hindi language and dialect in the songs and few places.
- 7. Accordingly, he seeks leave of the Tribunal to withdraw the present appeal, with liberty to apply to the CBFC afresh seeking altered Certification under Rule 33 of the Cinematograph (Certification) Rules, 1983 for the film under the category Rajasthani and partly Hindi language.
- 8. Mr. Mahesh Kumar, Regional Officer, Delhi states that if such an application is moved in the next 15 days, it would be disposed of within a fortnight of the receipt of the same. The said statement is taken on record. The appeal is dismissed as withdrawn with liberty as aforesaid and the direction that in case an application is moved by the Appellant, the CBFC shall decide the same within fortnight of receiving the completed application.

SAIBAL CHATTERJEE MEMBER, FCAT BINA GURTA MEMBER, FCAT

CHIEF JUSTICE (RETD.) MANMOHAN SARIN CHARIPERSON, FCAT