**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

**Dated: 08.12.2020**

**Appeal No. 05/2020**

IN THE MATTER OF:

**KAVALI RAMESH** **APPELLANT**

**VERSUS**

**CENTRAL BOARD OF FILM CERTIFICATION(CBFC), SECUNDERABAD** ..... **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 "LADIES NOT ALLOWED"**

**ORDER**

**Chief Justice (Retd.) Manmohan Sarin:-**

An appeal titled *Kavali Ramesh Vs. Central Board of Film Certification, Secunderabad* in respect of the film **"Ladies not allowed"** *(Telugu)* filed by the Appellant was received in the office of the Tribunal on 02.03.2020. The appeal assails CBFC's order dated 17th February, 2020 refusing Certification to the above film.

2. The CBFC's refusal to grant Certification to the film is on the following ground:

*The theme and content of the film is sexually explicit and portrayed in a manner that is perverse and depraved. As this film is unsuitable for public exhibition and violated guideline 2(vii) read with 3(i), Certification is "Refused".*

3. A nation-wide lockdown was announced from 23rd March, 2020 and therefore, the hearing could not be held.

With the easing of lockdown, the Registry of FCAT has been following up with the Appellant to fix an actual date of hearing. Emails dated 3rd June and 11th November 2020, were sent to the Appellant proposing the appeal be heard through virtual hearing. The Appellant however, desired a physical hearing and to be present during the screening. Registry kept on following up with the Appellant and its office. Later on Mr. Kumaraswami, editor informed that the Film had already been released on OTT Platform and that they would inform regarding further prosecution of the Appeal. However, no further instructions have been received till date.

4. The Registry vide email dated 4th December, 2020 confirming the above position and informed the Appellant that the appeal would be listed before the Chairperson, FCAT for non-prosecution on 8th December, 2020. There has been no response to the said communication, no request for extension or withdrawal of appeal were received.

From the foregoing narration, it is apparent that the Appellant was offered sufficient opportunity for hearing of the appeal physically as well as virtual hearing i.e. through video conferencing.

5. It appears that since the film has already been released on OTT Platform, the Appellant is not interested in prosecuting this appeal and therefore is not responding.

6. In these circumstances, the appeal is dismissed in default and for non-prosecution.

Shekhar Iyer

**(SHEKHAR IYER)**
**MEMBER, FCAT**

**(CHIEF JUSTICE (RETD.) MANMOHAN SARIN)**
**CHAIRPERSON, FCAT**