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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5162/2019

SUBHASH R. CHAVAN

..... Petitioner

Through: Mr Harshvardhan Jha and Ms Mayuri
Shukla, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Monika Arora, CGSC with Mr
Vinod Tiwari, GP with Mr Harsh
Ahuja and Mr Praveen Singh,
Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.05.2019

CM No.22897/2019

1. Allowed, subject to all just exceptions.

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2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 15.04.2019 passed by the Film Certification Appellate Tribunal (FCAT) rejecting the petitioner's appeal against an order dated 09.11.2018 passed by the Examining Committee of Central Board of Film Certificate, declining the petitioner's request to grant UA Certification for the satellite viewing of his film "Loose Control" in Marathi. A plain reading of the

impugned order indicates that the petitioner's appeal was rejected on the ground of delay as it was preferred beyond the period, as specified under Section 5(C) of the Cinematograph Act, 1952. The Tribunal had further noted that the application for condonation of delay merely stated that the delay was not intentional but due to inadvertence. The Tribunal held that 'inadvertence' could not be treated as sufficient cause for not filing the appeal within time.

4. The petitioner now submits that the delay was not intentional but was caused as the agent appointed by the petitioner had expired and his son had taken over the business. However, the petitioner was not informed about the order dated 09.11.2018 at the material time and had filed the appeal immediately on becoming aware of the order of the Adjudicating Authority.

5. The order passed by the learned Tribunal cannot be faulted. However, this Court is of the view that given the mitigating circumstances now expressed by the petitioner before this Court, it would be apposite to direct that the petitioner's appeal be considered on merits.

6. In view of the above, the impugned order is set aside and the Tribunal is requested to dispose of the petitioner's appeal on merits as expeditiously as possible and preferably within a period of two months, from today.

7. The petition is disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 13, 2019

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