



CFBP TIMES

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“We shall promote the highest ethical practices, by business and professionals, in order to provide complete satisfaction to consumers and other stakeholders.”



OCTOBER-NOVEMBER, 2019

CONSUMER FILM FESTIVAL 2019

OUR MISSION

We shall promote the highest ethical practices, by business and professionals, in order to provide complete satisfaction to consumer and other stakeholders.



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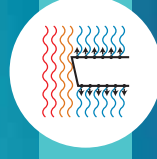
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HEARTFELT FROM THE PRESIDENT



Swapnil S. Kothari
President

It is always a challenge to write for the *first* Newsletter of the second year of your tenure. It makes you want to achieve more and laboriously strive to ensure that the *sixth* one concludes that year with aplomb!

Our 3rd Film Festival was a super success organised on a grandiose scale reaching the interiors of this vast democracy – an entry from a farmer from Kolhapur!! We thought it best to invite him (although not a winner) and felicitate him so that he is encouraged to convey his thoughts and canvass his emotions on a still superior canvas as he has shown promise to be a prolific filmmaker to the majority of the Jury that had judged the shortlisted entries. Abhijit Pohankar's soulful fusion music coupled with Sorabh Pant's punching comedy was both a visual and auditory treat! Taj Lands End, Bandra served as the perfect venue with its Ballroom in its full splendour with sumptuous food.

We are now back to finalising our speakers for the first Women's Rights Seminar, and hopefully, this will showcase CFBP as an effective medium of grappling with gender injustice. The Student Chapter is something which we are very passionate about and we have two of our very capable members already up and about on this idea. Our young offshoots from the top colleges will advance the cause of consumer awareness and prepare the next generation to take up challenges that will come when they face the outside world and try to make a mark for themselves.

Real Estate Development is one of the vexed issues that pervades the metropolis and one of the reputed property experts – a Senior Solicitor – animates the pages with an insightful article on the subject. Also, we are privileged to have an article on Consumer Protection Act from one of our oldest Founders, who is also an Advisory Board Member.

With every passing day, I aim to improve, to better myself and in the process learn from others, to see things in a different perspective, to ensure that CFBP gets the benefit of the distilled wisdom of each one of us so that we can reach where we want to be. I end with a quote from that deeply sensitive Lebanese-American philosopher,

Progress lies not in enhancing what is, but in advancing toward that will be.

Kahlil Gibran

MILIND DEORA

Former Union Minister of State & Member of Parliament,
Government of India

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 **MilindDeora**

October 30, 2019

MESSAGE

I am happy to know that Council for Fair Business Practices (CFBP) is celebrating 3rd year of CFBP Film Festival Award Nite to honour the young awardees of CFBP consumer film festival -2019 to be held on Friday 1st November, 2019

CFBP stands committed to create and spread awareness about fair business practices amongst businesspersons and associations through various means in order to maintain the highest ethical standards in business profession.

I take this opportunity to forward my best wishes to Mr. Swapnil Kothari and entire CFBP team in its future endeavors



Milind Deora

From Farmer to Filmmaker, CFBP Consumer Film Festival was a crisp and entertaining initiative this year.



Kiren Shrivastav

Consumer Film Festival is now in its third year and I feel elated to be part of this initiative from its inception. Considered to be a game-changing platform for individuals to creatively express themselves through various mediums on the subject of Consumer Protection Rights, Fair Business Practices and Social causes like Women Empowerment and Climate Change, it had it all. This year under the leadership of our CFBP President Swapnil Kothari, we have evolved and catapulted into an even better initiative reaching many more cities, even the remote interiors of the country all thanks to the support of Mr. Ratan Tata (Founder Emeritus), Mr. Adi Godrej (Founder member) and Mr. Shekhar Bajaj (Founder Member) and our high-profile sponsors.

This year the CFBP Consumer Film Festival's Awards Night 2019 was held at the prestigious Taj Lands End - a big leap in making it even grander. Attended by stalwarts from different walks of life, a total of 700 entries were received, and adjudged by Jury members like Former Supreme Court Justice BN Srikrishna, Award Winning Screenwriter & Director Ms. Honey Irani, Force 2 and Delhi Belly director Abhinay Deo, Group Head and Director HDFC Securities Abhay Aima, Dean of JJ School of Arts Prof. Vishwanath Sabale, Founder Chairman and Managing Director, Madison World Sam Balsara, Veteran theatre actor and casting director Ms. Dolly Thakore and Chief Revenue officer Sony

Pictures and Chairman of ASCI (The Advertising Standards Council of India), Mr. Rohit Gupta.

The initial short film entries were pre-screened by Filmmaker and Screenwriter Anuraadha Tewari and Executive Vice President & Jt. Managing Partner at DDB Mudra Group Sanjay Panday. Leading short film distributor and producer Sameer Mody of Pocket Films helped facilitate reaching out to many other short film makers.

Not just an interesting mix of jury entries, but also an interesting mix of entertainment witnessed and enjoyed by all those who attended.

Abhijit Pohankar's Fusion music - mixing Bollywood with classical was simply loved by everyone and the Stand-up comedy act by Sorabh Pant left people in splits. Actress Aahana Kumra graced the occasion with her energetic presence.

With topics like Women Empowerment and climate change addressed this year and reducing few of the categories, we broadened our reach furthermore creating awareness about CFBP and taking up important social causes at the same time.

The beauty this year lay in the diversity of the entries received from a Farmer to a Filmmaker and our prime focus was on Process, Credibility and Creation.

I am extremely grateful to Swapnil for having faith in me and my team, to give me the honour of becoming the Chairperson for this initiative and giving me complete freedom to organize it in the best possible manner. Thanks to the entire team at CFBP and Molecule.

Next year we plan to make this even bigger with more entries, more reach and more entertainment with a social awareness.

Introduction

The real estate sector plays an important role of catalyst in fulfilling, inter alia, the housing need of the country. Today, a Buyer is an aware consumer of the housing available to him/her in the market. The real estate sector has been however largely



Payal S. Kothari
Advocate & Solicitor

unregulated. A bare reading of all the provisions of RERA seems to demonstrate that it is enacted in the larger public interest for the regulation and development of the real estate sector, which is the second largest employer in the country only next to agriculture despite accounting of 9% of the GDP. The construction sector supports 250 ancillary industries. About ten lakh people buy houses every year with an investment of amount of Rs. 30.50 Lakhs Crores in 27 cities. In the years

between 2011 and 2015, the total investment value was Rs. 13,69,820 Crores. Though the Consumer Protection Act, 1986 and the Maharashtra Ownership Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act,

1963 ("MOFA") are, inter alia, available as a Forum to the consumer of a realty sector, the recourse is merely remedial / curative. They are insufficient to address all the concerns of the Buyers and promoters in that sector. Therefore, the imperative need for regulating that sector, and hence, RERA was enacted.

Key Provisions

RERA primarily ensures consumer protection

transparency and trade practices by Builders. It aims at giving a fair platform to the Buyers here who have always been the underdogs. At the same time, it protects the interest of all the stakeholders, the promoters and the agents.

A bird's eye-view of some of the sections give an understanding of RERA.

- i) Section 3 mandates registration of the real estate projects set out thereunder.
- ii) Section 4 deals with the form, manner, time period and fee of the application for registration. The list of documents to be provided thereunder and the formalities needed to be complied thereunder is exhaustive. This is a departure from MOFA where the promoter could start the project without complete sanction. It requires the promoters to deposit 70% of the amount from the projects in a separate account and mandates the user of the said amount only for that project. Earlier, the Builders could divert the funds of Project A to Project B. The Builders / promoters in the past have revealed a tendency to leave a huge project incomplete and invest in a different project. This ensures timely completion of projects unlike the past, which resulted in humongous avoidable litigation. Thus, the legislation again is in the larger interest of the consumers, but it also means that 30% of the remaining amount stays with the promoters, and in that sense, it balances the rights of the promoters and the Buyers.
- iii) Section 5 relates to grant of registration on compliance of the provisions of RERA and rejection on non-compliance. Section 5(2) provides for deemed registration. Thus, again here, keeping a check with the Authority requiring it to dispose of the

applications for registration by genuine promoters easily and doing away with the bureaucratic tendency of delaying the sanctions of the projects endlessly.

- iv) Section 6 relates to extension of registration especially where regular development of the project is affected by force majeure. On the one hand, it may seem a genuine case where cement is not available, is affected. However, there are sufficient provisions in RERA, which take care of the interest of a genuine case of development being stalled.
- v) Section 7 empowers the Authority to revoke the registration in case of default of RERA Rules and Regulations or non-compliance of any other approvals in law or unfair trade practices or irregularities. The powers of the Authority here are wide to control the conduct of errant promoters. However, the said Section simultaneously imposes an obligation of the Authority to carry out and complete the development work as set out thereunder. Thus, there is a proper check and balance system where ultimately the development of the project is not affected. In cases where the promoter establishes genuine causes for failure to complete on time, the Authority exercises its powers judiciously on a case-to-case basis keeping in mind the object of RERA to balance the right of both the allottees and the promoters.
- vi) Sections 11 to 18 refer to the functions and duties of the promoters. The balance has again been struck by the Legislature by reiterating the rights and duties of the allottees / consumers under Section 19 of RERA.

Rights of the Buyers

A joint reading of the aforesaid Sections 11 to 19 demonstrates the following rights accruing to the Buyers and Promoter / Builder:-

- i) The Builder / Promoter cannot take more than 10% of the cost of the flat as advance before entering into an agreement of sale.
- ii) In case of a mismatch in the commitments (including delays in giving possession) made by the Builder / Promoter, the Buyer may withdraw from the project where he would be entitled to refund of interest or to continue wherein he/she will also be entitled to compensation and interest.
- iii) In case of a defect after possession in quality etc (within 5 years), the Buyer can seek a rectification of defect by the Builder at no costs.
- iv) In case of a defect in title, the Buyer can claim compensation.
- v) The Buyer shall also be generally entitled to all the information relating to the project.

Rights of the Builder / Promoter

- l) In case of a default in payment by the Buyer, the Buyer shall be liable to pay interest to the Builder / Promoter.

The remaining sections deal with the constitution / powers / functions of the Authority and Appellate Authority. Any grievance against the Builder can be taken to the Authority set up under the RERA. There is also a provision for Appeal against the Orders of the Authority to the Appellate Tribunal as well.

Conclusion

A bare reading of Sections 11 to 18 clearly demonstrates the intention of the Legislature that RERA actually means Really Errant Realtors (B)Aware. The primary goal is the development of the real estate sector. The actual implementation of RERA needs to be closely monitored in the years to come.

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CODE OF CONDUCT

TO

- Maintain the highest ethical standards in business and professions.
- Ensure maximum transparency to the satisfaction of consumers and other stakeholders
- Consider objectively the viewpoint of the consumers
- Satisfy the consumer with prompt, efficient and friendly service at a reasonable price.

NOT TO

- Use media to mislead consumers
- Knowingly support activities which are against the laws of the land
- Misuse an advantageous market position to the detriment of consumers

INTRODUCTION

It is very heartening that the Consumer Protection Act of 1986 has been amended in 2019 after a lapse of many years for effectively protecting Consumers and is



Swarn Kohli
Founder Member

designed much in the interest of the Consumers. The amendment is a much needed step to overhaul the archaic consumer protection law that was increasingly becoming redundant in protecting the interests of Indian Consumers in this age of digitization.

With the tremendous change in the market place, it was apparent that the outdated procedures were indeed inadequate to protect the consumers and needed a revisit.

KEY FEATURES

Some of the important measures sought by the amendments are -

- a) The amendment establishes the Central Consumer Protection Authority. This can initiate action to prevent or curb unfair trade practices and consumer rights violations. It will promote and enforce consumer rights and prevent unfair trade practices. It would take up complaints of consumers, as quite often, the business establishments do not respond readily to resolve consumer complaints.
- b) The amendment has added another right of Consumers "The right to be assured,

whenever possible to access to a variety of goods and services at competitive prices".

- c) The amendment also ensures protection against product service providers. It includes Electronic service providers and endorsers, thereby bringing in providers of technology whether in actual advertising or online sales. The focus is on unfair as well as misleading advertising.
- d) The amendment removes practical and logistical challenges, which earlier deterred a consumer from initiating action, by conferring jurisdiction restrictions where the complainant resides or personally works for gain. Now, in addition to the place where the cause of action arose, where the counter party resides or carries on business is also included.
- e) The amendment includes protection against unfair contracts and product liability in relation to defective goods.
- f) It facilitates speedy resolution of disputes.

Unfortunately, the amendment fails to provide penalty to deter frivolous actions, which lead to unnecessary complaints and legal claims.

CONCLUSION

This amended Consumer Act is a very welcome instrument to provide for protection to consumers.

CFBP

COUNCIL FOR FAIR BUSINESS PRACTICES



Shekhar Bajaj
Founder Member, CFBP



Swapnil S. Kothari
President, CFBP



Kiren Shrivastav
Chairperson, Film Festival

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Climate Change ▪ Women Empowerment

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2019*

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Guest of Honour

Founder Member Mrs. Swarn Kohli

The Ballroom, Taj Lands End,
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★ ★ ★ *You are cordially invited* ★ ★ ★

*06:00
pm*

1st Nov 2019

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Swapnil S. Kothari
President, CFBP



Consumer Film Festival



Justice. B.N. Srikrishna
(Jury Chairman)



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Consumer Film Festival

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THE JURY

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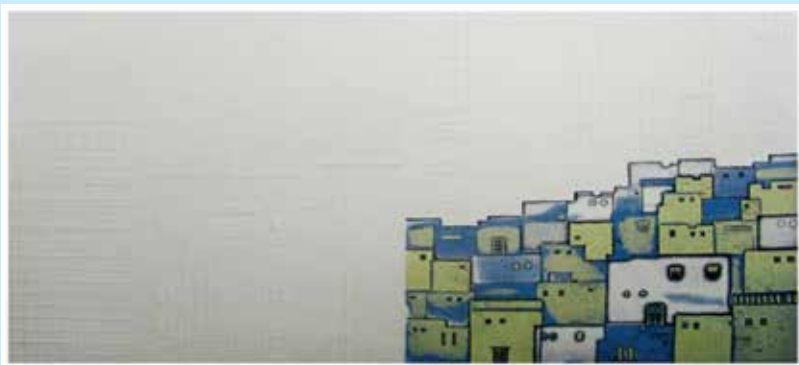


1st Vora Moksh Amish



2nd Shivani Nayampalli

PAINTING ABOVE 18 YEARS



1st Madan Pawar



2nd Nisha Verma

WINNERS LIST

SLOGAN BELOW 18 YEARS

1st Krrish Das

IF CLIMATE CAN CHANGE WHY CAN'T WE

2nd Anuj U Yadav

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SLOGAN ABOVE 18 YEARS

1st Aamil Keeyan Khan

**AURAT KO DEVI TOH TUMNE MAANLIYA.
INSAAN KAB MAANOGE?**

2nd Shubam Kumar Jha

**SABSE JARURI HAI AB YAH KAAM,
JALVAYU PARIVARTAN PAR LAGE LAGAAM**



WINNERS LIST

SHORT FILM

1st Prize

FREEDOM

Director : Jyoti Prakash

Duration : 10:00 min



2nd Prize

SILENT TIES

Director : Sai Deodhar

Duration : 9:41 Min



3rd Prize

Nazaria

Director : Sanjay Pandav

Duration : 3:53 Min





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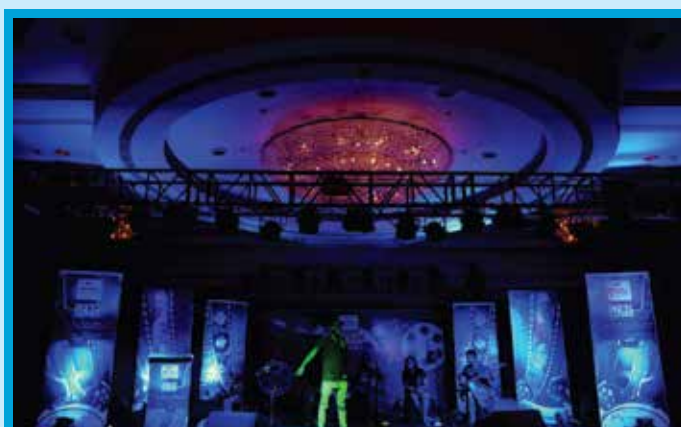
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CFBP- CONSUMER FILM FESTIVAL - 2019 "GOLDEN MEMORIES"



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LIGHTING THE LAMP

President Swapnil S. Kothari, Guest of Honour & Founder Member Swarn Kohli



Shekhar Bajaj, F.C. Kohli, Niranjan Jhunjunwala, Swarn Kohli, Vineet Bhatnagar
and President Swapnil S. Kothari

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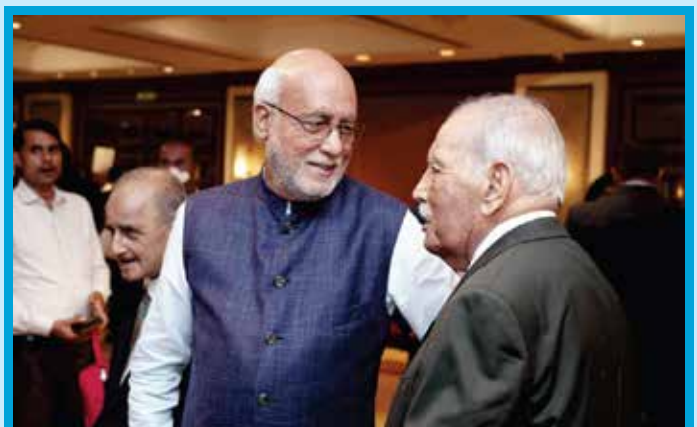


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Chief Guest
AAHANA KUMRA

Indian feature film, television and theatre actress



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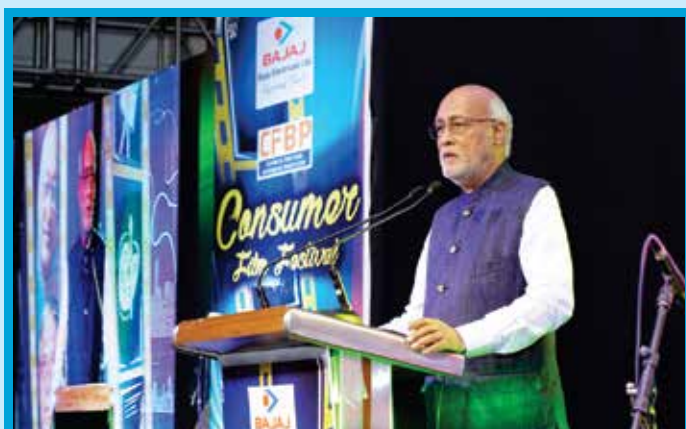
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"GOLDEN MEMORIES"

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SWARN KOHLI, FOUNDER MEMBER



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"GOLDEN MEMORIES"

SHORT FILM - WINNERS



1st Prize
FREEDOM



2nd Prize
SILENT TIES



3rd Prize
NAZARIA

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1st Prize - Moksh Amish Vora



2nd Prize - Shivani Nayampalli

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1st Prize - Madan Pawar



2nd Prize - Shivani Nayampalli

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SLOGAN CONTEST - BELOW 18 YEARS



1st Prize - Krrish Das



2nd Prize - Anuj U Yadav

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