

**IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCH 'SMC-B', BANGALORE**

BEFORE SHRI A.K.GARODIA, ACCOUNTANT MEMBER

**ITA No.1672 (Bang) 2017
(Assessment year : 2012 - 13)**

M/s. Sri Aurobindo Complex Trust,
9th Cross, 30th Main,
Sri Aurobindo Marg, J. P. Nagar,
1st Phase,
Bengaluru - 560078
PAN. AAATS3698C

Appellant

Vs

The ITO, (Exemptions) Ward - 3,
Bengaluru

Respondent

**Assessee by : Shri Lokesh Jain, C. A.
Revenue by : Shri Palani Kumar, Addl. CIT**

**Date of hearing : 20-11-2017
Date of pronouncement : 24 -11-2017**

ORDER

PER A. K. GARODIA, A.M.:

This appeal is filed by the assessee which is directed against the order of CIT (A) - 14, Bangalore dated 31.05.2017 for A. Y. 2012 - 13.

2. The assessee has raised as many as 6 grounds but the effective grievance is only one and that is this that whether the accumulation to the extent of 15% permitted u/s 11 (1) (a) is to be calculated on net receipts or gross receipts.

3. Learned AR of the assessee submitted that the issue is squarely covered in favour of the assessee by the judgment of Hon'ble apex court rendered in the case of CIT vs. Programme for Community Organisation as reported in 248 ITR 1, copy available on pages 117 to 119 of the paper book and in particular, my attention was drawn to page 119 of the paper book. Learned DR of the revenue supported the orders of the authorities below.

4. I have considered the rival submissions. In the case cited by the learned AR of the assessee, it was held that the accumulation has to be computed at the prescribed percentage of gross receipt and not net receipt. Respectfully following this judgment, this issue is decided in favour of the assessee.

5. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on the date mentioned on the caption page.

Sd/-
(A.K. GARODIA)
ACCOUNTANT MEMBER

Bangalore
D a t e d : 24.11.2017
/MS/

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.
6. Guard file

By order

Senior Private Secretary,
Income Tax Appellate Tribunal,
Bangalore.