

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH, JABALPUR**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER AND
SHRI MANISH BORAD, ACCOUNTANT MEMBER**

आयकर अपील सं./ ITA No. 30/Jab/2017

निर्धारण वर्ष/ Assessment Year : 2018-19

Sri Gurutegh Bahadur Education Society, 1, Sri Gurutegh Bahadur Khasa College, Mahanadda, Nagpur Road, Jabalpur (MP) PAN : AAEAS 6226 R	Vs	Commissioner of Income-Tax (Exemptions), Bhopal (MP)
--	----	--

अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)
-------------------------------	--	---------------------------------

Assessee by :	Shri H.S. Modh, AR
Revenue by :	Shri. P.D. Chougule, DR

सुनवाई की तारीख/Date of Hearing : 12/03/2018

घोषणा की तारीख /Date of Pronouncement: 14/03/2018

आदेश/O R D E R

PER KUL BHARAT, JUDICIAL MEMBER:-

This appeal filed by the assessee against the order of the learned Commissioner of Income-tax (Exemption), Bhopal dated 02.06.2017 declining the registration u/s 12AA of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. The assessee has raised following grounds of appeal:-

"1. That the Ld. CIT has grossly erred in facts and circumstances of the case to refuse the registration u/s 12AA(1)(b)(ii) of the Income-tax Act, 1961.

2. That the order of refusal of registration is not justified.

3. That the institution applied for registration on the basis of charitable AIMS and OBJECTS of the trust, therefore, rejection of registration on the ground that the institution is Religious Minority Institution covered U/s 13(10)(b) giving the benefit to Sikh Students is not proper.

4. *That the aim and object of the society to promote educational institution, uplift men of poor sector of the society and other charitable activities cannot be treated as Religious Minority Institution, hence the Commissioner of Income-tax may kindly be directed to grant registration u/s 12AA of Income-Tax Act, 1961.*

5. *That the aims and object to run the educational institution considered as Religious Minority Institution by the CIT for rejection of registration is not justified.*

6. *That the Assessee craves leave to raise any other ground/s on or before the date of hearing to prove that the order of the CIT is bad.*

3. Before us, learned Counsel for the assessee reiterated the submissions as were made before the Id. CIT (Exemption) and submitted that the CIT(Exemption) was not justified in declining the Registration u/s 12AA of the Act. He submitted that Id. CIT was wrongly applied the provisions of Section 13(1)(b) of the Act. He also submitted that Id. CIT failed to appreciate the fact that the assessee-society is also providing free concession etc. to students belonging to SC/ST/OBC.

4. Learned Departmental Representative, on the other hand, supported the order of the CIT and opposed the submissions of the learned Counsel for the assessee.

5. We have heard the rival contentions and perused the material available on record. We find that benefit of Section 13(1)(b) of the Act would not be available in the case of a trust for charitable purpose or a charitable institution created or established after the commencement of this Act, any income thereof if the trust or institution is created or established for the benefit of any particular religious community or caste. It is contended that there is no restriction to a particular religious community, but in fact

3

there is no such object of the Society. The objects of the Society, in clause (3) of the Constitution of Society, are as under:-

“सभा की स्थापना के उद्देश्य ज्ञापन में अंकित निम्नानुसार है:-

1. विद्या विज्ञान, कला तथा भाषा का प्रचार है ।
2. राष्ट्रीय भाषाओं का प्रसार ।
3. चारित्रिक एवं नीति शिक्षा तथा राष्ट्रीयता के एकीकरण के सिद्धांतों का प्रसार ।
4. भिन्न – भिन्न सम्प्रदायों में परस्पर भातृता, स्नेह एवं भावना का उपार्जन ।
5. खेल कूद प्रशिक्षण ।
6. प्रशिक्षण दस्तकारी एवं प्रशिक्षण वास्ते सैनिक सेवा ।”

After considering totality of the facts and materials available on record, we deem it fit and proper to restore this issue to the file of the CIT for decision afresh and the learned CIT would make proper inquiry in respect of the claim of the assessee that the Society is not created or established for the benefit of any particular religious community or caste.

6. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the Court on 14th March, 2018 at Jabalpur.

Sd/-

(MANISH BORAD)
ACCOUNTANT MEMBER

Jabalpur; Dated 14/03/ 2018

B

Sd/-

(KUL BHARAT)
JUDICIAL MEMBER

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण,/ DR, ITAT, Jabalpur
6. गार्ड फाइल / Guard file.

TRUE COPY

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./ Asstt.Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद/ ITAT, Jabalpur