

IN THE INCOME TAX APPELLATE TRIBUNAL
“H” Bench, Mumbai
Before S/Shri B.R.Baskaran (AM) & Amarjit Singh (JM)

I.T.A. No. 7064/Mum/2017

Hadi Foundation S.A. Kanji & Co. 206, Rewa Chambers Sir Thackersay Marg New Marine Lines Mumbai-400 020. PAN : AACTT1703B	Vs.	CIT(Exemption) 6 th Floor Piramal Chamebrs Lalbaug Mumbai-400012
(Appellant)		(Respondent)

Assessee by	Shri Firoze Andhyarujina
Department by	Shri Rahul Raman
Date of Hearing	2.5.2018
Date of Pronouncement	2.5.2018

ORDER

Per B.R. Baskaran (AM) :-

The appeal filed by the assessee is directed against the order dated 31.10.2017 passed by the learned CIT(Exemption) rejecting the application filed by the assessee seeking registration u/s. 12A of the Income Tax Act.

2. We heard the parties and perused the record. The assessee is a trust constituted by a trust deed dated 17.7.2011. It filed an application seeking registration u/s.12A of the Act on 26.4.2017. The learned CIT asked the assessee to furnish certain details like names and identity of the beneficiary of the trust money, vouchers, bills of expenditure in support of the application of income etc. As the assessee failed to furnish the details called for by the learned CIT, he took the view that the assessee-trust has not been able to establish genuineness of expenditure towards objective of the trust as well as genuineness of its activity. Accordingly, the learned CIT rejected the application filed by the assessee seeking rejection u/s. 12A of the Act. Aggrieved, the assessee has filed this appeal before us.

3. We heard the parties and perused the record. Even though, learned AR argued that the details relating to application of income are required to be examined by the Assessing Officer during the course of assessment proceedings, yet he agreed to furnish details that were called for by the learned CIT, when it was pointed out to him that the genuineness of the activities carried out by the assessee can be ascertained only by examining relevant vouchers. Accordingly, it was proposed to restore this issue to the file of the learned CIT for examining the application of the assessee afresh. Both the parties agreed to the same. Accordingly, we set aside the order passed by the learned CIT and restore the issue to his file for examining the application of the assessee afresh. The assessee is also directed to furnish all details that may be called for by the learned CIT in this regard.

4. In the result, appeal filed by the assessee is treated as allowed for statistical purposes.

Order has been pronounced in the Court on 2.5.2018.

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

Sd/-
(B.R. BASKARAN)
ACCOUNTANT MEMBER

Mumbai; Dated : 2/5/2018

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

BY ORDER,

(Senior Private Secretary)
ITAT, Mumbai

PS