

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'G' NEW DELHI**

**BEFORE SHRI R. K. PANDA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

ITA No. 4037/Del/2015 (A.Y 2008-09)

The Ajay G. Piramal Foundation 320, Tower-B, DLF Tower, Jasola New Delhi AABTT21789N (APPELLANT)	Vs	CIT (Exemptions) Pratyaksh Kar Bhawan, 26 th Floor, E-2 Block Civic Centre, J. L. N Marg, New Delhi (RESPONDENT)
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Appellant by	Sh. Ankit B. Aggarwal, CA
Respondent by	Sh. S. S. Rana, CIT DR

Date of Hearing	11.09.2018
Date of Pronouncement	11.09.2018

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the assessee against the order dated 24/4/2015 passed by CIT(Exemptions)- New Delhi for A.Y 2008-09.

2. The Ld. AR submitted that the assessee trust was incorporated on July 30, 2005 with an object of providing benefits of healthcare, education, livelihood, rural empowerment and leadership. The assessee was registered u/s 12A read with Section 12AA vide Certificate dated January 31, 2006. The assessee has not claimed exemption u/s 11 of the Act for Ay 2008-09 onwards as the assessee held certain investments which are not permissible u/s 11 sub-section (5) of the Act and consequently ineligible as per proviso (iia), clause (iii) of Section 13 (1) (d) of the Act. Subsequently, in view of insertion of Section

12AA (4) of the Act w.e.f. October 1, 2014 vide Finance Act, 2014, the assessee Trust suo moto surrendered its registration u/s 12A/12AA vide letter dated October 6, 2014 prospectively. However, the CIT(E) cancelled assessee trust registration u/s 12A/12AA retrospectively from Assessment Year 2008-09 onwards. The assessee filed the present appeal against the said order on the limited issue that cancellation cannot be done retrospectively but has to be done prospectively. However, as the assessee trust itself has not claimed any exemption u/s 11 from A.Y. 2008-09 onwards, the issue is merely academic in nature. Therefore, though the assessee still believes that the action of the CIT(E) of retrospective cancellation of registration u/s 12A/12AA is bad in law but due to academic nature of the litigation and in order to save cost and time of all stakeholders, the assessee is withdrawing the present appeal. The Ld. AR however, submitted that the same shall not be construed as assessee's acquiescence of the said retrospective cancellation. Thus, the Ld. AR requested that the assessee be allowed to withdraw the appeal by submitting letter dated 11/9/2018 before the Bench.

3. The Ld. DR has not objected to the said withdrawal of appeal by the assessee.

4. We have heard both the parties and perused the letter dated 11/9/2018 submitted by the Ld. AR before us which is taken on record. Accordingly in view of the above factual matrix, the appeal of the assessee is dismissed as withdrawn.

5. In result, appeal of the assessee is dismissed as withdrawn.

Order pronounced in the Open Court on 11th September, 2018.

Sd/-

(R. K. PANDA)
ACCOUNTANT MEMBER

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Dated: 11/09/2018
*R.N

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR

ITAT NEW DELHI

Date of dictation	11.09.2018
Date on which the typed draft is placed before the dictating Member	11.09.2018
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	11.09.2018
Date on which the final order is uploaded on the website of ITAT	11.09.2018
Date on which the file goes to the Bench Clerk	11.09.2018
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	