

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'A' अहमदाबाद ।

**IN THE INCOME TAX APPELLATE TRIBUNAL
"A" BENCH, AHMEDABAD**

**BEFORE SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
& SHRI MAHAVIR PRASAD, JUDICIAL MEMEBR**

आयकर अपील सं./I.T.A. No. 2583/Ahd/2017

(निर्धारण वर्ष / Assessment Year : 2017-18)

Shree Sanskar Adayayan Kanya Shibir Public Charitable Trust Mehta Lodha & Co. Chartered Accountants 105, Sakar-I, Near Gandhigram Railway Station, Off. Ashram Road, Ahmedabad - 380009	बनाम/ Vs.	The Principal Commissioner of Income Tax (Exemptions) Ahmedabad
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AADTS3137P		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से /Appellant by :	Shri Prakash D. Shah, A.R.
प्रत्यर्थी की ओर से / Respondent by :	Smt. Aparna Agarwal, CITD.R.

सुनवाई की तारीख / Date of Hearing	03/12/2018
घोषणा की तारीख /Date of Pronouncement	19/12/2018

आदेश/ORDER

PER PRADIP KUMAR KEDIA - AM:

The captioned appeal has been filed at the instance of the assessee against the order of the Principal Commissioner of Income Tax (Exemptions), Ahmedabad ('CIT(E)' in short), dated 18.09.2017 whereby the registration sought under s.12AA of the Income Tax Act, 1961 (the Act) for registration of Trust was declined.

2. Aggrieved by the rejection of application for registration under s.12AA of the Act, the assessee preferred appeal before the Tribunal.

3. Heard both the sides on the issue. The assessee has impugned the action of the Pr.CIT(E) for exercising discretion against the assessee for registration of the applicant Trust. As stated on behalf of the assessee, the Pr.CIT(E) has denied the registration mainly on two grounds; (i) details of actual activities carried out alongwith supporting evidences in support of the claim for registration was not provided & (ii) certified copies of the Trust deed was not filed. In this regard, we notice the averments made on behalf of the assessee that the applicant Trust is created in 1981 and is registered with the competent authority under the general law. It is submitted on behalf of the assessee that none of the objects are of the religious nature, the objects are charitable and for public at large without any discrimination on the basis of castes, creed or religion. It is also the claim of the assessee that profits of the Trust are to be applied only for the object of the Trust which is irrevocable. The submission before the Pr.CIT(E) claims that Trust is arranging 'Kanya Shibir' or 'Sanskar Adayayan' activity in a small way as evidenced by the audited accounts.

4. From a reading of the order of the Pr.CIT(E), the registration has been mainly rejected on the ground that requisite documentary evidences were not placed to satisfy him about the genuineness of the activities and whether the activities are in consonance with its objectives.

5. In the circumstances, where the assessee has admittedly furnished certain details and is not grossly negligent in furnishing the information, it will be desirable that one more opportunity is granted

to the assessee to satisfy the designated authority i.e. Pr.CIT(E) for its entitlement for registration of Trust in accordance with law. This will promote fair play and will accord with principles of natural justice.

6. Consequently, we set aside the order of the Pr.CIT(E) dated 18.09.2017 and restore the issue back to the file of the Pr.CIT(E) for *de novo* consideration of all aspects in the light of facts involved as well as the judicial precedents rendered in the context. Needless to say, the matter shall be disposed of by the Pr.CIT(E) after granting proper opportunity to the applicant assessee in this regard.

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

This Order pronounced in Open Court on 19/12/2018

Sd/-
(MAHAVIR PRASAD)
JUDICIAL MEMBER
Ahmedabad: Dated 19/12/2018

Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

True Copy

S. K. SINHA

आदेश की प्रतिलिपि अग्रहित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण, अहमदाबाद ।