

INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "F": NEW DELHI
BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No. 6584/Del/2015

Triune Humane Foundation, Plot No. 22, Flat No. TM-2, Ajnara Estate, Shalimar Garden Extn-I, PO Sahibad, Ghaziabad PAN: AAFCT1629Q	Vs.	CIT(E), Lucknow
(Appellant)		(Respondent)

Assessee by :	Ms. Rano Jain, Adv Shri Venkatesh Chaurasia, Adv
Revenue by:	Shri Sanjay Goyal, CIT DR
Date of Hearing	18/12/2018
Date of pronouncement	21/12/2018

O R D E R

PER PRASHANT MAHARISHI, A. M.

1. This appeal is filed by the assessee against the order of the Commissioner of Income Tax (Exemption) Lucknow dated 8/10/2015 under section 12AA(1)(b) of the Income Tax Act rejecting the application of the assessee for registration under section 12 A(1) of the income tax act.
2. The assessee has raised the following grounds of appeal:-
 - “1. *On the facts and circumstances of the case, the order passed by the learned Commissioner of Income-tax (Exemptions) (CIT(E)) is bad both in the eye of law and on facts.*
 2. *On the facts and circumstances of the case, the learned CIT(E) has erred both on facts and in law in rejecting the application of the assessee for grant of registration u/s 12A of the Income Tax Act, 1961.*
 3. *On the facts and circumstances of the case, the learned CIT(E) has erred both on facts and in law in ignoring the explanation and evidences brought on record by the assessee to prove that the applicant trust is eligible for registration.*
 4. *On the facts and circumstances of the case, the learned CIT(E) has erred both on facts and in law in holding the activities conducted by the assessee are not carrying out any charitable activities, despite the assessee bringing all the material and evidence on record to*

prove that its activities fall within the meaning the charitable purpose."

3. The appellant is a society registered under section 8 of the Companies Act, 2013. It is created with the aims and objects to carry and promote art and culture, social welfare like food distribution, medical assistance, education, sports, protection of environment on no profit no loss basis. The CIT(Exemption) has denied the registration to the appellant trust under section 12A, on the ground of non-verification of the objectives of the appellant being charitable in nature and the genuineness of the activities being carried out by the appellant.
4. The learned authorised representative submitted that that assessee was incorporated with the above object and preferred an application for registration under section 12A of the Act which has been rejected by the learned CIT on the pretext that the assessee has not produced the books of accounts and vouchers. Therefore, the genuineness of the activities could not be verified. She further stated that the various paragraphs mentioned by the learned CIT are not relevant to the facts of the case. She referred to the balance sheets of the assessee for assessment year 2015-16 and 2016-17 and submitted that now the assessee has carried on several activities and to prove so, she submitted the details of the various programs carried out by the trust. She submitted that no such fair opportunity was available with the assessee to demonstrate it before CIT. She therefore submitted that activities of the trust are genuine. She therefore submitted that the assessee should have been granted the registration under section 12A of the Income Tax Act.
5. The learned Departmental Representative vehemently stated that assessee has not produce these details before the learned CIT at the time of making of the application and therefore the assessee has failed to establish the activities of that trust as genuine activities. He further stated that the assessee could not produce the books of accounts before the learned CIT in response to notice. Therefore, he submitted that the trust has rightly been rejected the registration under the Act.

6. We have carefully considered the rival contention and perused the order of the learned CIT(Exemption) refusing to register the trust under section 12A of the Income Tax Act. Looking to the memorandum of Association of the trust it is apparent that it has been engaged to carry out promote art and culture, social welfare, like food distribution, medical assistance, education, sports, protection of environment, on no profit no loss basis. It is further carrying on the object of schools, colleges, boarding houses etc. To support its activities, the assessee submitted that it has carried out the plantation drive wherein saplings were planted through the school going children to create a better environment. The cleanliness drive was also carried out. The assessee has also shown that remedial classes, general health checkup, wellness program and life orientation program were also carried out by the assessee. Therefore, it is apparent that assessee has carried out some activities with respect to its object. It is also true that assessee could not produce its books of accounts before the learned CIT(Exemption). However, it cannot be said that the assessee is not carrying on activity which are not genuine. The assessee has also produced various photographs of the activities carried on. In view of this, in the interest of justice, the whole issue is set aside to the file of the learned CIT(E) with a direction to the assessee to produce the relevant details before him and the learned CIT(E) will examine these details, and if found in accordance with the law, grant registration to the trust.
7. Accordingly , appeal of the assessee is allowed for statistical purposes. Order pronounced in the open court on 21/12/2018.

-Sd/-

(AMIT SHUKLA)
JUDICIAL MEMBER

-Sd/-

(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated:21/12/2018
A K Keot

Copy forwarded to

1. Applicant
2. Respondent

3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi