

IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH : BANGALORE

BEFORE SHRI N.V. VASUDEVAN, VICE PRESIDENT
AND SHRI B.R. BASKARAN, ACCOUNTANT MEMBER

ITA No.2617/Bang/2017
Assessment year : N.A.

Gadag Institute of Medical Sciences, Mulgund Road, Malasamudra Tq. Gadag. PAN: AACAG 3162C	Vs.	The Commissioner of Income Tax (Exemptions), Bangalore.
APPELLANT		RESPONDENT

Appellant by	:	Ms. Mrinalini R., Advocate
Respondent by	:	Shri Pradeep Kumar, CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	29.01.2019
Date of Pronouncement	:	27.02.2019

ORDER

Per N.V. Vasudevan, Vice President

This appeal by the assessee is against the order dated 22.09.2017 of the CIT(Exemptions) ["CIT(E)], Bangalore dismissing the application for grant of registration u/s. 12A of the Income-tax Act, 1961 ["the Act"].

2. The assessee is a charitable institution. It filed an application for grant of registration u/s. 12A of the Act on 31.03.2017. The CIT(E) issued a letter dated 11.09.2017 calling for certain details and fixed the date of hearing for compliance between 18th and 22nd Sept. 2017. It appears that till 22nd Sept. 2017, i.e., the last date fixed in the notice for giving the reply, the CIT(E) did not receive any reply from the assessee and in the

circumstances, he came to the conclusion that assessee was not entitled to grant of registration u/s. 12A of the Act as it had not satisfied the Commissioner about the conditions required for grant of registration. Accordingly, the application for grant of registration was rejected by the CIT(E).

3. Aggrieved by the order of CIT(E), the assessee has filed the present appeal before the Tribunal.

4. At the time of hearing, the Id. Counsel for the assessee brought to our notice that the show cause notice dated 11.09.2017 issued by the CIT(E) was received by the assessee only on 12.12.2017. Our attention was drawn to the date of receipt seal of the assessee in which the receipt of show cause notice issued by the CIT(E) dated 11.09.2017 is recorded as 12.12.2017. In the given facts and circumstances, we are satisfied that the assessee did not have proper opportunity of being heard before the CIT(E). We, therefore, set aside the order of CIT(E) and direct the CIT(E) to examine afresh the question of grant of registration u/s. 12A to the assessee, after affording proper opportunity of being heard.

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

Pronounced in the open court on this 27th day of February, 2019.

Sd/-
(B.R. BASKARAN)
Accountant Member

Sd/-
(N.V. VASUDEVAN)
VICE PRESIDENT

Bangalore,
Dated, the 27th February, 2019.
/ Desai Smurthy /

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.
6. Guard file

By order

Assistant Registrar,
ITAT, Bangalore.