

आयकर अपीलिय अधीकरण, खंडपीठ गुवाहाटी ,  
*IN THE INCOME TAX APPELLATE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI*

Before **Shri S.S.Godara, Judicial Member** and  
**Dr. A.L. Saini, Accountant Member**

**ITA No.223/Gau/2018**  
Assessment Year :2015-16

Diocese of Nongstoin, Bishop House, New Nongstoin, West Khasi Hills District. Nongstoin- 793119, Meghalaya <b>[PAN No.AABTD 0440 J]</b>	<b>V/s.</b>	DCIT, (Centralized Processing Centre), Post Bag No.2, Electronic City Posts Office, Bangalore- 560500
PAN No.		
अपीलार्थी /Appellant	..	प्रत्यर्थी/Respondent

अपीलार्थी की ओर से/By Appellant	Shri D.K.Biswas, Advocate & Shri Kishor Kr. Jain, FCA
प्रत्यर्थी की ओर से/By Respondent	Shri Doly Loyi, JCIT-DR
सुनवाई की तारीख/Date of Hearing	01-07-2019
घोषणा की तारीख/Date of Pronouncement	03-07-2019

**आदेश /ORDER**

**PER BENCH:-**

This assessee's appeal for assessment year 2015-16 arises against the Commissioner of Income Tax (Appeals)-Shillong's order dated 29.06.2018 passed in case No. CIT(A)/SHG/10075/2017-18, involving u/s 154 of the Income Tax Act, 1961; in short 'the Act'.

Heard both the learned representatives reiterating their respective stands against and in support of the case. Case file perused.

2. It transpires during the course of hearing that the CIT(A) has declined the assessee's rectification preferred u/s 154 of the Act as per the CPC processing vide the following discussion:-

*“3.1 Per income and expenditure A/c (I&E), gross receipt was Rs.5,19,98,882/-. After deduction of revenue and capital expenditure of Rs.4,07,14,493/- there was balance of Rs.1,12,84,329/-. Out of that a sum of Rs.35,29,811/- was set apart u/s.11(2) pursuant to Minutes of Meeting of trustees held on 20.05.2015. From No.10 (per Rule 17) was furnished to the AO on 30.09.2015.*

*3.2 When the case was processed by CPC, Bangalore, benefit of section 11(2) was not allowed to assessee. Thereafter assessee filed rectification application. But the claim of assessee was not allowed by CPC in order u/s 154 of the Act.*

*3.3 I have considered the matter. Per proviso to Rule 12(2) of IT Rules w.e.f. 01.04.2014, notice u/s. 11(2)(a) of the Act has to be filed electronically before due date of filing of return. In case of assessee, the notice in Form No.10 was filed manually before ITO (Exemption), Shillong. Therefore, there was no occasion for CPC, Bangalore to give benefit u/s.11(2) to assessee while processing the return. As such, there is no apparent mistake in the order u/s. 154. The denial of benefit u/s.11(2) was due to lapse on part of assessee only in so far as Notice u/s 11(2)(a) was filed manually.”*

3. It therefore emerges from a perusal of the CIT(A)'s above extracted findings that neither the CPC has heard the assessee regarding its grievance canvassing the impugned rectification nor the CIT(A) has entertained his lower appeal claiming the impugned apparent mistake not considering sec.11(2)(c) exemption benefit. We therefore conclude that larger interest of substantive justice would be met in case assessee's Assessing Officer having jurisdiction under the Act adjudicates the impugned rectification as per law after affording three effective opportunities of hearing. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open court 03/07/2019

Sd/-  
(लेखा सदस्य)  
( A.L.Saini)  
(Accountant Member)  
Guwahati,  
\*Dkp

दिनांक:- 03/07/2019

Sd/-  
(न्यायिक सदस्य)  
(S.S.Godara)  
(Judicial Member)

गूवाहाटी ।

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. अपीलार्थी/Appellant-Diocese of Nongstoin, Bishop House, New Nongstoin, West Khasi Hills Dist. Nongstoin-793119, Meghalaya
2. प्रत्यर्थी/Respondent-DCIT, (CPC), Post Bag No.2, Electronic City P.O. Bangalore-560500
3. संबंधित आयकर आयुक्त गूवाहाठी / Concerned CIT Guwahati
4. आयकर आयुक्त- अपील / CIT (A) Guwahati
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, गूवाहाठी खंडपीठ / DR, ITAT, Guwahati
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

Sr. Private Secretary (on tour)  
आयकर अपीलीय अधिकरण,  
गूवाहाठी ।