

**आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक**

IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH, CUTTACK

श्री चन्द्र मोहन गर्ग, न्यायिक सदस्य एवं श्री एल.पी.साहु, लेखा सदस्य के समक्ष ।

**BEFORE SHRI CHANDRA MOHAN GARG, JM  
AND**

**SHRI L.P. SAHU, AM**

आयकर अपील सं./ITA No.361/CTK/2015

(निर्धारण वर्ष / Assessment Year : NA)

Young Men's Christian Association, Tankibelary, POL Nantar, Via-Mahalkalpada, Dist: kendrapara-754224	Vs.	CIT(E), Hyderabad
स्थायी लेखा सं./PAN No. : AAAAY 0927 D		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

निर्धारिती की ओर से /Assessee by	:	Shri Kanhayalal Sharma, AR
राजस्व की ओर से /Revenue by	:	Shri Subhendu Dutta, DR

सुनवाई की तारीख / Date of Hearing	:	21/08/2019
घोषणा की तारीख/Date of Pronouncement	:	04/09/2019

**आदेश / O R D E R**

**Per L.P.Sahu, AM:**

This is an appeal filed by the assessee against the order of CIT(E), Hyderabad, dated 29.06.2015.

2. The sole issue involved in the present appeal of the assessee is with respect to rejection of application for grant of registration u/s.12AA of the Act.

3. Brief facts of the case are that the assessee is a society and filed an application in Form No.10A dated 26.12.2014 seeking registration u/s.12AA of the Act, however, the CIT(E) rejected the application for grant

of registration on the ground that there was no required complete compliance on the part of the assessee-society.

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

5. Ld. AR before us submitted that the CIT(E) has not provided any reasonable opportunity to the assessee of being heard as provided in the proviso to Section 12AA(1) of the Act, 1961. Even the assessee has filed its written submission in compliance to the notice dated 25.03.2015 issued by the CIT(E), however, without considering the same, the CIT(E) rejected the application for grant of registration u/s.12AA of the Act. Therefore, Id. AR submitted that the CIT(E) may kindly be directed to grant registration u/s.12AA of the Act after providing reasonable opportunity of hearing to the assessee and considering the submissions of the assessee.

6. On the other hand, Id. DR before us submitted that the CIT(E) has rejected the registration application u/s.12AA of the Act as the assessee has not complied with the conditions required for registration and, therefore, assessee's appeal should be dismissed.

7. We have heard submissions of both the parties and carefully perused the material on record. The sole dispute is with respect to rejection of registration u/s.12AA of the Act. On perusal of the order of CIT(E), we find that the CIT(E) asked the assessee to furnish a note on the activities undertaken by their institution and to explain as to how the same are as per their objects and further the assessee could not make

compliance as required by the CIT(E) and, therefore, the CIT(E) rejected the application of the assessee. In our opinion the CIT(E) at the time of registration has to verify whether the objects and the activities of the assessee society are genuine. Therefore, these fact does not emanate from the CIT(E) order where the CIT(E) has verified the objects and there is no finding in this regard. Accordingly, in the interest of substantial justice, we provide one more opportunity to the assessee to substantiates its claim with supporting evidence of genuineness of objects and activities of the assessee society before the CIT(E) and the CIT(E) is directed to consider the submission of the assessee and pass the order accordingly. Thus, the ground of appeal of assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 04/09/2019.

**Sd/-**  
**(C.M.GARG)**

न्यायिक सदस्य / JUDICIAL MEMBER

**Sd/-**  
**(L.P.SAHU)**

लेखा सदस्य / ACCOUNTANT MEMBER

**कटक Cuttack; दिनांक Dated 04/09/2019**

प्र.कु.मि/PKM, Sr.P.S.

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant- .  
Young Men's Christian Association,  
Tankibelary, POL Nantar, Via-Mahalkalpada,  
Dist: kendrapara-754224
2. प्रत्यर्थी / The Respondent-  
DCIT, Circle-1(1), Bhubaneswar
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR, ITAT, Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

**(Senior Private Secretary)**

आयकर अपीलीय अधिकरण, कटक / ITAT, Cuttack