



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

**BEFORE SHRI. A. D. JAIN, VICE PRESIDENT
AND SHRI T. S. KAPOOR, ACCOUNTANT MEMBER**

ITA No.496/LKW/2019
Assessment Year: N.A.

Divyang Development Society 119/530, Darshan Purwa Kanpur	v.	CIT (Exemptions) Lucknow
TAN/PAN:AACTD5039N		
(Appellant)		(Respondent)

Appellant by:	Shri Ashish Agrawal, Advocate		
Respondent by:	Shri A. K. Bar, CIT (DR)		
Date of hearing:	10	10	2019
Date of pronouncement:	11	10	2019

ORDER

PER A. D. JAIN, V.P.:

This is assessee's appeal against the order of the Id. CIT (Exemption), Lucknow, rejecting the application for grant of registration under section 12A(1) of the Income Tax Act, 1961.

2. The assessee has taken as many as six grounds of appeal, but the main issue raised, vide ground No.2, is that the Id. CIT(A) was wrong in rejecting the application under section 12A of the Act, without affording reasonable opportunity to the appellant society to present its case.

3. The facts of the case are that the assessee filed an application for registration under section 12A(a) of the Income-tax Act, 1961 in form 10A, on 1/2/2019 with the CIT (Exemptions), Lucknow. The Id. CIT (Exemptions) issued a letter, dated 26/7/2019 to the assessee calling for specific queries regarding the application for registration u/s

12A of the Act, for compliance on 7/8/2019. On this date, i.e., 7/8/2019, none appeared on behalf of the assessee. The Id. CIT (Exemption) rejected the application moved by the assessee on the ground that the applicant had failed to provide required details, such as original trust deed & other relevant documents required for verification to prove the objects of the trust and genuineness of the activities; proof/documents regarding activities; books of account and details of expenditure to corroborate the charitable nature of its objects and the genuineness of its activities.

4. The Id. counsel for the assessee submitted before us that on the date fixed for hearing, i.e., on 7/8/2019, the assessee society through email requested to adjourn the hearing for 15 days, as the assessee was in the process of preparation of reply and collection of required documents, in order to ensure proper representation before the CIT (exemptions). The assessee has filed the true copy of the email dated 7/8/2019 before us. The Id. counsel for the assessee, accordingly prayed that in the interest of justice, the matter may be restored to the file of the Id. CIT (Exemptions), Lucknow for deciding the matter after affording due opportunity of hearing to the assessee, so that the assessee can furnish the required documents before the Id. CIT (Exemptions).

5. The Id. D.R. has placed reliance on the order of the Id. CIT (Exemption), Lucknow.

6. Heard. We find that the assessee had applied for registration under section 12A of the Act, which was rejected by the Id. CIT (Exemptions), observing that that the applicant had failed to provide required details, such as original trust deed & other relevant documents required for verification to prove the objects of the trust and genuineness of the activities; proof/documents regarding activities;

books of account and details of expenditure to corroborate the charitable nature of its objects and the genuineness of its activities. The CIT (Exemption) has issued only one notice to the assessee and has passed an ex-parte order, rejecting the application of the assessee for registration u/s 12A of the Act. From the facts of the case, we are of the view that the assessee has not been given proper and sufficient opportunity before disposing of the application for registration, by the Id. CIT (Exemptions). We, therefore, in the interest of justice, set aside the order of the Id. CIT (Exemptions) and restore the matter to his file with the direction to consider the application of the assessee for registration u/s 12A afresh after giving due opportunity of hearing to the assessee. The assessee is also directed to be present on the date of hearing and provide the material / clarification as asked for by the Id. CIT (Exemptions).

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

Order pronounced in the open Court on 11/10/2019.

Sd/-
[T. S. KAPOOR]
ACCOUNTANT MEMBER

Sd/-
[A. D. JAIN]
VICE PRESIDENT

DATED:11/10/2019

JJ:1010

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR

By order

Assistant Registrar