

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" : HYDERABAD**

**BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER
AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER**

ITA No.	Asst. Year	Appellant	Respondent
1633/Hyd/17	2003-04	Agricultural Market Committee, Achampet, Mahaboobnagar District [PAN: AACTA1522B]	Asst. Commissioner of Income Tax, Circle-5(1), HYDERABAD
1634/Hyd/17	2004-05		

For Assessee : Shri S. Rama Rao, AR

For Revenue : Shri Y.V.S.T. Sai, CIT-DR

Date of Hearing : 06-11-2019

Date of Pronouncement : 07-11-2019

ORDER

PER Smt. P. MADHAVI DEVI, J.M. :

Both are assessee's appeals for the AYs.2003-04 & 2004-05 respectively. These appeals are filed against the assessment orders passed by the Assessing Officer (AO), denying the assessee, the exemption u/s.11 of the Income Tax Act [Act] on the ground that assessee was not granted registration u/s.12AA of the Act.

2. We have gone through the assessment order and find that the AO has taken note of the order of ITAT in ITA No.925/Hyd/2013, dt.23-09-2013, wherein the ITAT had directed granting of registration u/s.12AA of the Act to AMC Sultanabad, Karimnagar Dist., but held that - *the same cannot be applied to the assessee before us.*

3. Ld.Counsel for the assessee has placed before us the decision of ITAT in ITA No.214/Hyd/2008, dt.05-08-2008, wherein the Tribunal has directed the DIT(E) to re-consider the issue of granting of registration u/s.12AA of the Act in accordance with law on merits, after giving a reasonable opportunity of hearing to assessee. Ld.Counsel for the assessee further submitted that the consequential order has not been passed by the DIT(E) till date and therefore, AO has refused to grant exemption u/s.11 of the Act.

4. Ld.DR was also heard.

5. Taking the rival contentions into consideration, we are inclined to set aside the assessment orders and direct the AO to await the decision of DIT(E) on the issue of registration u/s.12AA of the Act and if the assessee is granted registration u/s.12AA of the Act, then the exemption u/s.11 of the Act shall be granted, subject to fulfilment of other conditions, such as application of income for the objects of the Trust etc.,

6. In the result, appeals of the assessee for both the assessment years are treated as allowed for statistical purposes.

Order pronounced in the open court on 7th November, 2019

Sd/-

**(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER**

Hyderabad, Dated: 07-11-2019

TNMM

Sd/-

**(P. MADHAVI DEVI)
JUDICIAL MEMBER**

Copy to :

- 1. Agricultural Market Committee, Achampet,
Mahaboobnagar Dist.,*
- 2. Asst. Commissioner of Income Tax, Circle-5(1),
Hyderabad.*
- 3. CIT(Appeals)-4, Hyderabad.*
- 4. The Pr.CIT-4, Hyderabad.*
- 5. D.R. ITAT, Hyderabad.*
- 6. Guard File.*