



**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.332/LKW/2019  
Assessment Year: N.A.

NSP Enterprises S-25/185, K-3, Brindaban Colony Pahariya, Varanasi	v.	CIT (Exemptions) Lucknow
TAN/PAN:AACCN6027B		
(Appellant)		(Respondent)

Appellant by:	Shri O.P. Shukla, Advocate		
Respondent by:	Shri S. K. Madhuk, CIT (DR)		
Date of hearing:	04	02	2020
Date of pronouncement:	05	02	2020

**ORDER**

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

This is assessee's appeal against the order of the ld. CIT (Exemption), Lucknow, dated 16/5/2019, rejecting the application for registration under section 12A of the Income Tax Act, 1961.

2. The facts of the case are that the assessee filed an application for registration under section 12A(a) of the Income-tax Act, 1961 on 16/11/2018 with the CIT (Exemptions), Lucknow. The ld. CIT (Exemptions) issued a letter dated 12/3/2019 to the assessee calling for specific queries regarding its application for registration under section 12A of the Act, for compliance on 15/4/2019. On this date, i.e., 15/4/2019, assessee moved application for adjournment and on the final date fixed for hearing, i.e., 14/5/2019, the Counsel of the

assessee attended and filed letter. The ld. CIT (Exemptions) rejected the application of the assessee, vide his order dated 16/5/2019, observing as under:

“3. On perusal of the material available on record, it is found that the applicant has merely submitted the MOA and no material has been provided that could throw some light upon the activities, if any, carried out by the applicant, as claimed in the trust deed. The applicant has failed to file any material which could have provided an insight into the activities of the applicant. There is literally no material available on record, so as to form even the slightest satisfaction regarding the genuineness of the activities carried out, if any, by the applicant.”

3. Before us, the ld. Counsel for the assessee has submitted that the assessee company is registered under section 8(5) of the Companies Act, 2013 from 02.12.2016; and that the company is running an institute, under the name and style of 'M/s Mission Nursing School', for education and training of Nursing staff and is affiliated with the Uttar Pradesh Medical Faculty, Lucknow; and that the objects of the company are fully charitable as per the provisions of section 2(15) of the Income Tax Act. The ld. Counsel for the assessee has further submitted that the assessee, vide letter dated 13/5/2019, had furnished the copies of the balance sheet for the year ended on 31/3/2019, the details of the tuition fees received, from the assessment year 2019-20, the bank statement with the Punjab National Bank for the financial year ended on 31/3/2019, the details of the students in Mission Nursing School and the copy of receipt book for the assessment years 2018-19 and 2019-20, before the ld.

CIT(A). Therefore, the observation of the ld. CIT(A) that the applicant has merely submitted the MOA and no material has been provided that could throw some light upon the activities, is not correct. The ld. Counsel for the assessee has submitted that the ld. CIT (Exemptions) wrongly doubted the charitable character of the applicant society. He prayed that in the interest of justice, the order of the ld. CIT (Exemptions) may be set aside and he may be directed to decide the issue on affording due opportunity of hearing to the assessee.

4. The ld. D.R., on the other hand, has placed reliance on the order of the ld. CIT (Exemption), Lucknow.

5. Heard. We find that the ld. CIT (Exemptions) had rejected the application of the assessee for registration under section 12A of the Act, observing that the applicant has merely submitted the MOA and no material has been provided that could throw light on the activities, if any, carried out by the applicant, as claimed in the trust deed. On the other hand, the submission of the ld. Counsel for the assessee was that the assessee, vide letter dated 13/5/2019 (copy placed on record) furnished the copies of balance sheet for the year ended on 31/3/2019 [APB:1-9], the details of tuition fees received, from the assessment year 2019-20 [APB:10-22], bank statement with Punjab National Bank for the financial year ended on 31/3/2019 [APB:23-33], the details of students in Mission Nursing School [APB:34&35] and the copies of receipt books for assessment year 2018-19 and 2019-20, before the ld. CIT(A). We, therefore, set aside the order of the ld. CIT (E) and restore the matter to his file with a direction to decide the issue afresh, preferably within two

months from the date of receipt of this order, on affording reasonable opportunity of hearing to the assessee.

6. In the result, for statistical purposes, the appeal of the assessee is treated as allowed.

Order pronounced in the open Court on 05/02/2020.

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

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

DATED:05/02/2020

JJ:0402

Copy forwarded to:

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

By order  
Assistant Registrar