



**IN THE INCOME TAX APPELLATE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

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

ITA No.127/ALLD/2019
Assessment Year: N.A.

Jagdish Matanhelia Memorial Trust Matanhelia Niwas Macandrewganj Pratapgarh	v.	CIT (Exemption) Lucknow
TAN/PAN:AADTJ2049P		
(Appellant)		(Respondent)

Appellant by:	Shri Ashish Bansal, Advocate		
Respondent by:	Shri S. K. Madhuk, CIT (DR)		
Date of hearing:	12	02	2020
Date of pronouncement:	13	02	2020

ORDER

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

This is assessee's appeal against the order of the ld. CIT (Exemptions), Lucknow, dated 29/8/2019, refusing grant of 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(1) of the Income-tax Act, 1961 on 14/2/2019 with the CIT (Exemptions), Lucknow. The ld. CIT (Exemptions) rejected the application of the assessee, vide his order dated 29/8/2019, observing that the activities/objects of the applicant do not fall under the limb of 'education', as charitable purposes.

3. Heard. We find that the assessee filed an application for registration under section 12A(1) of the Income-tax Act, 1961 on 14/2/2019 with the CIT (Exemptions), Lucknow, who rejected the application of the assessee, observing that the activities/objects of the applicant do not fall under the limb of 'education', as charitable purposes. The submission of the Id. Counsel for the assessee before us was that the assessee had filed before the Id. CIT(E) all the requisite documents, the copies of which have been filed before us too. We find that in addition to other details, the assessee had furnished before the Id. CIT(A) the brief details of main area of the trust activities [APB:10 & 11] and the objectives of the trust [APB:18]. The Id. CIT (E) had reproduced the details of main area of the trust activities as furnished by the assessee. But he has not examined the objects of the assessee-trust, whether the trust was formed to undertake charitable activities or not. Moreover, the Id. CIT (Exemption), Lucknow has not pointed out any specific activity, which can be said to be a non-charitable activity. It is a settled position of law that while granting registration under section 12A of the Act, the Id. CIT (Exemptions) is required to examine the objects of the assessee. If the objects of the assessee are charitable in nature, registration should be granted to the assessee. It can only be denied, if the Id. CIT (Exemptions) has brought something on record to establish that the assessee was engaged in activities other than charitable ones. This aspect was examined by this Bench of the Tribunal in various cases, wherein, the Tribunal held that while granting registration under section 12A of the Act, the Id. CIT (Exemptions) is required to examine, as to whether the objects of the applicant are of charitable nature or not. In the instant case, the Id. CIT (Exemptions) has not

examined the nature of the objects of the trust, but he has denied the registration. Therefore, we set aside the order of the ld. CIT (Exemptions) and restore the matter to his file with a direction to re-adjudicate the issue of grant of registration under section 12A of the Act in the light of the objects of the assessee-trust, preferably within two months from the date of receipt of this order, on affording due opportunity of hearing to the assessee.

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

Order pronounced in the open Court on 13/02/2020.

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

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

DATED:13/02/2020

JJ:1202

Copy forwarded to:

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

By order

Assistant Registrar