

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

Before **Shri S.S.Godara, Judicial Member** and  
**Dr. A.L. Saini, Accountant Member**

ITA No.224/Ran/2019

Patel Seva Sangh C/o Sardar Patl Public School, setor-9B, Bokaro Steel City, Jharkhand- 827009 <b>[PAN NO. AABTP 2202 N]</b>	<b>बनाम V/s.</b>	Commissioner of Income Tax (Exemption) Central Revenue Building, Beer Chand Patel Marg, Patna-800 001
अपीलार्थी /Appellant	..	प्रत्यर्थी/Respondent

अपीलार्थी की ओर से/By Appellant	Shri Anil Kumar Jha, CA
प्रत्यर्थी की ओर से/By Respondent	Shri Inderjeet Singh CIT-DR
सुनवाई की तारीख/Date of Hearing	02-03-2020
घोषणा की तारीख/Date of Pronouncement	02-03-2020

**आदेश /ORDER**

**PER BENCH (oral):-**

This assessee's appeal arises against the Commissioner of Income Tax (Exemption)-Patna's order dated 13.03.2019, denying registration in proceedings u/s. 12AA of the Income Tax Act, 1961; in short 'the Act'

Heard both the parties. Case file perused.

2. Case file suggests that the CIT(Exemption) has declined the assessee's sec. 12AA registration filed on 05.11.2018 by his twin folded reasoning this trust has been set up to provide benefits to only Patel "**Community**" and its activities are not genuine; respectively. We do not any merit in either of these findings. Hon'ble Gujarat high court in (2014) 42 taxmann.com 181 (Guj) *Commissioner of Income Tax, Rajkot-II vs. Leuva Patel Seva Samaj Trust* holds that the former question of a trust set up for providing benefits to a

particular community does not avail ground to deny sec. 12AA registration since the issue arises during the course of exemption proceedings u/s 11 only.

3. Coming to latter aspect of the non-genuine of activities, we take note of hon'ble apex court's judgment in *M/s Ananda Social & Educational Trust vs. CIT* in **Civil Appeal Nos. 5437-5438 of 2012** dated 19.02.2020 that only an assessee's objects have be examined at the time of granting sec.12AA registration and not activities. We thus reverse the CIT(Exemption)'s twin reasoning and hold the assessee as entitled for the impugned sec. 12AAA registration.

4. This assessee's appeal is allowed.

Order pronounced in the open court at the close of hearing on Monday, 2<sup>nd</sup> March, 2020

Sd/-

(लेखा सदस्य)

(Dr. A.L. Saini)

(Accountant Member)

Ranchi,

\*Dkp Sr.P.S

दिनांक:- 02/03/2020 रांची

Sd/-

(न्यायिक सदस्य)

(S.S.Godara)

(Judicial Member)

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. अपीलार्थी/Appellant-Patel Seva Sangha C/o Sarar Patel Public School, Sector-9B, Bokaro Steel City, Jharkhand-827009
2. प्रत्यर्थी/Respondent-CIT(Ex) Central Revenue Building, Beer Chand Patel Marg, Patna Pin-800 001
3. संबंधित आयकर आयुक्त रांची / Concerned CIT Ranchi
4. आयकर आयुक्त- अपील रांची / CIT (A) Ranchi
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, रांची/ DR, ITAT, Ranchi
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

SR.PS, (on Tour), RANCHI