

**आयकर अपीलिय अधिकरण, अहमदाबाद न्यायपीठ 'D' अहमदाबाद ।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“D” BENCH, AHMEDABAD**

*(Convened Through Virtual Court)*

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT AND**  
**SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No. 1984/Ahd/2018

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| <b>Eastern India Cultural Association</b><br>C-4, Swati Society (LIG)<br>P.O., Sama Road, Baroda –<br>390 008 | <b>बनाम/</b><br>Vs. | <b>CIT-Exemption</b><br>First Floor, Room No. 111-<br>112, Annexy, Aaykar<br>Bhavan, Ashram Road,<br>Ahmedabad - 380009 |
| <b>स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AAATE2555N</b>  |                     |   |
| (अपीलार्थी /Appellant)  | ..                  | (प्रत्यर्थी / Respondent)   |

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| अपीलार्थी ओर से /Appellant by :          | Shri Abbas Gulam Husainwal,<br>A.R. |
| प्रत्यर्थी की ओर से /<br>Respondent by : | Shri Virendra Ojha, CIT D.R.        |

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| सुनवाई की तारीख / Date of<br>Hearing     | 06/10/2020 |
| घोषणा की तारीख /Date of<br>Pronouncement | 19/10/2020 |

**आदेश/ORDER**

**PER PRADIP KUMAR KEDIA - AM:**

The captioned appeal has been filed at the instance of the Assessee against the order of the Commissioner of Income Tax (Exemptions), Ahmedabad ('CIT(E)' in short), dated 30.07.2018 under s. 80G(5) of the Income Tax Act, 1961 (the Act).

2. As per its grounds of appeal, the assessee in essence has challenged the action of the CIT (Exemptions) in rejecting the application for registration of the assessee Trust under section 80G(5) of the Act as wholly illegal, unlawful and against principles of natural justice.

3. When the matter was called for hearing before the Tribunal, the ld. counsel for the assessee at the outset referred to the impugned order passed under section 80G(5) of the Act whereby the application filed in Form No.10G seeking approval under section 80G(5) of the Act for availing consequential benefits as per the Act was rejected and pointed out that the CIT(A) has wrongly recorded a finding that the assessee has not fully complied with the notice calling for relevant documents/details. The learned Counsel pointed out that the assessee has filed relevant information under the covering letter dated 12.07.2018. It was pointed out that the material placed before the CIT (Exemptions) was not properly taken into account while adjudicating the request for registration adverse to the assessee. It was strongly urged that the action of the CIT (Exemptions) is thus in violation of principles of natural justice.

4. The learned Departmental Representative for the Revenue, on the other hand, relied upon the order of the learned CIT (Exemptions) under challenge but however, submitted in the same vain and fairly so that the matter may go back to the file of CIT (Exemptions) for consideration of documentary evidences claimed to have been placed before the CIT (Exemptions) for appropriate decision in accordance with law.

5. We have carefully considered the rival submissions. Without going into the merits of the case, we notice at the outset that the

assessee has strongly challenged the action of the CIT (Exemptions) on the grounds of transgression of natural justice. It is a case of the assessee that relevant documentary evidences were duly filed for the scrutiny of the CIT(Exemptions) to enable him to take an informed decision on the application for registration in Form No.10G under Rule 11AA of the Income Tax Rules together with the registration granted under s.12A of the Act. From the Paper Book filed before the Tribunal, we observe that the assessee has placed certain documents and explanations. The CIT (Exemptions) has however made reference to certain deficiencies on the part of assessee trust in its order passed under section 80G(5) of the Act. A perusal of the impugned order, however, gives us an impression that the contents of the aforesaid communications have not been fully taken into account while refusing to grant the registration sought. The assessee also appears to have provided inadequate assistance to the Registering Authority in explaining the genuineness of its activities etc.

6. Needless to say, the public authority functioning in quasi-judicial capacity is expected to conform to the basic principles of natural justice. It appears that the CIT (Exemptions) has omitted to consider the submissions and documents warranting our interference. The non-consideration of evidences and explanations has caused prejudice to the interest of the assessee Trust. The assessee also appeared to have faulted in fully explaining the material placed. We thus consider it expedient to restore the issue back to the file of CIT (Exemptions) for fresh consideration of the application for registration in accordance with law, after giving reasonable opportunity to the assessee. It shall be open to CIT(Exemptions) to call for such documents, evidences as may be considered necessary to dispose of the petition for consideration of

application for registration in accordance with law. Needless to say that the assessee shall co-operate earnestly in the *de novo* proceedings before the CIT(Exemptions) for the purposes of determination of the issue.

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

**This Order pronounced on 19/10/2020**

Sd/-  
(RAJPAL YADAV)  
VICE PRESIDENT  
Ahmedabad: Dated 19/10/2020

Sd/-  
(PRADIP KUMAR KEDIA)  
ACCOUNTANT MEMBER

True Copy

*S. K. SINHA*

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

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /  
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण, अहमदाबाद ।