

IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH : BANGALORE
BEFORE SHRI. B. R. BASKARAN, ACCOUNTANT MEMBER
AND
SMT. BEENA PILLAI, JUDICIAL MEMBER

ITA No.1947/Bang/2019
Assessment Year : 2019-20

M/s Bantara Sangha Yekkaru, A-23/1, Near Gudde Sana, Kinnila House Compound, Yekkar, Dakshina Kannada-574 509. PAN - AAFAB 3780 Q.	Vs.	The Commissioner of Income Tax (Exemption), Bengaluru.
APPELLANT		RESPONDENT

Appellant by	:	Shri Pranav Krishna, Advocate
Respondent by	:	Shri Muzaffar Hussain, CIT (DR)

Date of Hearing	:	21-10-2020
Date of Pronouncement	:	27-10-2020

ORDER

PER BEENA PILLAI, JUDICIAL MEMBER

Present appeal has been filed by assessee against order dated 26/07/2019 passed by Ld. CIT (E), Bangalore denying recognition under section 80 G of the act.

2. Assessee is a public charitable trust constituted under trust deed dated 16/10/2014. It is submitted that, application for grant of registration under section 12 AA of the act and recognition under 80 G of the act were filed on same day on

18/01/2019. It is submitted that various details were called for by Ld.CIT(E) vide notice dated 09/07/2019 and 19/07/2019. Assessee had furnished all the details vide its letter dated 13/07/2019 and 23/07/2019. It has been submitted by Ld.AR that, there was no further communication from Ld.CIT(E) however, assessee was granted registration under section 12AA of the Act vide order dated 26/07/2019 and application under section 80G was rejected on the same day.

3. Ld.AR placed reliance on decision of coordinate bench of the *Tribunal* in case of *M/s Manipal Alimony of Nephrology Trust vs CIT in ITA No. 548 and 549/B/2013* wherein, this *Tribunal* following decision of *Hon'ble Karnataka High Court* in case of *DDIT (E) vs Meenakshi Endowment Trust* reported in *354 ITR 219*, held that at the time of grant of registration under section 12A of the Act as well as approval under section 80G(5) (vi) of the Act, absence of activities of the trust cannot be the basis to refuse the approval.

4. On the contrary Ld.Sr.DR relied on orders passed by Ld.CIT(A).

5. We have perused submissions advanced by both sides in light of records placed before us. We are in agreement with the contentions put forth by Ld.AR. The reasons assigned for not granting approval under section 80G(5)(vi) is directly contradictory to the action of Ld.CIT(E) in granting registration under section 12A of the Act. We therefore set aside the order of Ld.CIT(E) and remand the question of grant of approval under

section 80G(5) (vi) of the Act to Ld.CIT(E) for fresh consideration in the light of the decisions referred to by Ld.AR. Needless to say that, proper opportunity of being heard should be granted to assessee. Assessee is also directed to file all relevant details as called upon.

Accordingly grounds raised by assessee stands allowed for statistical purposes.

In the result appeal filed by assessee stands allowed for statistical purposes.

Order pronounced in open court on 27th Oct, 2020

Sd/-
(B. R. BASKARAN)
Accountant Member
Bangalore,
Dated, the 27th Oct, 2020.
/Vms/

Sd/-
(BEENA PILLAI)
Judicial Member

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore
6. Guard file

By order

Assistant Registrar, ITAT, Bangalore

		Date	Initial	
1.	Draft dictated on	On Dragon		Sr.PS
2.	Draft placed before author	-10-2020		Sr.PS
3.	Draft proposed & placed before the second member	-10-2020		JM/AM
4.	Draft discussed/approved by Second Member.	-10-2020		JM/AM
5.	Approved Draft comes to the Sr.PS/PS	-10-2020		Sr.PS/PS
6.	Kept for pronouncement on	-10-2020		Sr.PS
7.	Date of uploading the order on Website	-10-2020		Sr.PS
8.	If not uploaded, furnish the reason	--		Sr.PS
9.	File sent to the Bench Clerk	-10-2020		Sr.PS
10.	Date on which file goes to the AR			
11.	Date on which file goes to the Head Clerk.			
12.	Date of dispatch of Order.			
13.	Draft dictation sheets are attached	No		Sr.PS