

**In the Income-Tax Appellate Tribunal,  
Amritsar Bench, Amritsar**

**Before: Shri Laliet Kumar, Judicial Member And  
Dr. Mitha Lal Meena, Accountant Member**

**ITA No.138/Asr/2016  
Assessment Year 2016-17**

<b>Association of physician of India</b> Malwa Branch Basant Vihar Bathinda <b>PAN:AACAA9599H</b> <b>(Appellant)</b>	V.S.	<b>CIT(E), Chandigarh</b>  <b>(Respondent)</b>
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<b>Appellant by</b>	Sh.J.K. Gupta, Adv.
<b>Respondent by</b>	Sh. J.S. Kahalo, Dr.

<b>Date of Hearing</b>	13.07.2021
<b>Date of Pronouncement</b>	31.08.2021

**ORDER**

**Per Dr. M.L. Meena, AM:**

This appeal of the assessee society is directed against the order dated 29.01.2016 passed by the CIT(E), Chandigarh who has rejected the application filed for registration u/s 12A of the Act.

2. The appellant assessee is an association of physician doctors of Malwa Region and the society was registered under the Societies Registration Act, 1860 on 20.03.2013 vide Certificate No. 188 of 2012-13 with Additional Registrar of Societies (Punjab),

Bathinda(APB, Pg. 1). The assessee society filed an application in Form 10A Dated 19.07.2015 with the CIT(E), Chandigarh on 20.07.2015 for seeking registration u/s 12A of the Income tax Act, 1961 and the same was rejected by CIT(E), Chandigarh vide order Dated 29.01.2016 by observing in Para 6 of the impugned order that the activities of the society at best can be assumed to be guided by the principles of mutuality and does not bestow upon the society the characters inherent in “Charitable Purpose”.

3. The Ld. AR submitted that on the facts of the case and in law, the ld. CIT(E) has erred in denying the registration u/s 12A of the Income tax Act, 1961 by giving the finding that the trust objects were not charitable when the photo of the activities were also filed before AO (Exemption) at Amritsar; that he has erred in giving a finding that no activity least of saying any charitable activity was being carried out where the learned CIT(Exemption) was only required to see if the objects are charitable and whether the trust is genuine and nothing more. Thus, he contended that the learned CIT(E), Chandigarh was only required to see that the objects of the society are charitable and the society is genuine and nothing more while granting the registration u/s 12A of the Act. In support, he has filed a synopsis and paper book which is placed on record. He further pointed out that in various cases of ICAI and other Bar Councils of various States, it has been held that professional bodies can also have charitable activities and thus allowed registration u/s 12A of the Act. The various decisions relied upon are as under:-

- 130 ITR 28, 34, 36 and 37 in the case of CIT vs Bar Council of Maharashtra.

- 358 ITR 91, 347 ITR 99 and 321 ITR 73 where ICAI has also been granted registration u/s 12A of the Act.
- 193 ITR 600 (All) in the case of CIT vs Bar Council of Uttar Pradesh where it is held bar council is a chartable institution.
- 143 ITR 584 (All.) in the case of Bar Council of UP vs CIT wherein it is held that the claim u/s 11 of a bar council cannot be ruled out on the plea that a specific provision therefor exists in 10(23A).

The other case law cited for reference are as follows:

- (i) Society of Indian Automobile Manufacturers, New Delhi with ITA No. 4837/Del/2012 Dated 06.06.2016 placed at page 5-23 of Paper Book of Case Laws and relevant decision is in para 11 at page 22.
- ii) Rejoice Ministries, Coimbatore with ITA No. 1938/Madras/2014 Dated 12.08.2015 placed at page 24-30 of Paper Book of Case Laws and relevant decision is in para 6 at page 26 and 30.
- iii) Shishu Niketan Panchkula Educational Society with ITA No. 104 of 2014 (O & M) (P & H HC) Dated 01.07.2014 placed at page 87-91 of Paper Book of Case Laws and relevant decision is in para 4 at page 90.
- iv) Sree Anjaneya Medical Trust vs CIT, Kozhokode 382 ITR 399 Dated 11.02.2016 placed at page 92-106 of Paper Book of Case Laws and relevant decision is in para 10 and 13 at page 104, 105, and 106.
- v) Jaipal Singh Sharma Trust, Ghaziabad with ITA No. 6475/Del/2014 placed at page 107-114 of Paper Book of Case Laws and relevant decision is in para 6 at page 113 and 114.
- vi) Ahmedabad Rana Caste Association vs CIT 82 ITR 704 (SC) Dated 16.09.1971 placed at page 115-120 of Paper Book of Case Laws and relevant decision is in para 4 at page 117 and 118.
- vii) CIT(E) vs Fertilizers Association of India 399 ITR 209 (Delhi HC) Dated 13.11.2017 placed at page 121-123 of Paper Book of Case Laws and relevant decision is in para 7.7 at page 122.

4. Per contra, the Ld. CIT(DR) relied on the impugned order.

5. We have heard rival contentions, perused the material relevant on record and citations relied in support. It is admitted fact that the main Objects of the applicant trust are topursuing the medical education to its members and holding free medical camps in various schools in the city for students of these schools with the help and coordination of management. Thus, the assessee is pursuing the objects namely medical education and medical relief to the medical students and medical doctors in Malwa Region.The members get the benefit of latest technique, medicines and machinery in the medical world by attending over various conferences on new innovations in the medical field.

6. In the present scenario, now every professional person whether doctor, advocate, or CA will have to remain up to date with new technology where such knowledge is acquired/gained through web conferences which are being held on line through webinars. The submitted that such conferences/webinars are being conducted both free and nominal charges. In our view, the contention of the Ld. AR that the activities of the association of holding conferences etc. amount to charitable activities has merits and therefore, the Ld. CIT(E) was justified in assuming that the assessee society was to be guided by the principles of mutuality and doesnot bestow upon the society the characters inherent in “Charitable Purpose”.

7. The Coordinate Bench in the case of ‘Seth Vinod Kumar Somani Charitable Trust, Bathinda vs CIT(E)’, Chandigarh in ITA No. 286/ASR/2015 vide order dated 01.08.2015

in para 8, held that at the time of registration, the Commissioner has to satisfy himself about the objects of trust and genuineness of its activities (CLPB, Pg. 1-4).

8. Again, in the case of 'CIT, Chhattisgarh Vs Chhattisgarh Urology Society, Raipur TAXC No. 159 of 2017 Dated 17.01.2018, the issue is decided in favour of assessee by Hon'ble High Court of Chhattisgarh, Bilaspur (CLPB-II, Pg.124-128) filed at the time of hearing. The SLP of the department against this judgment has been rejected by the Hon'ble Supreme Court on 18.10.2019 vide SLP (Civil) Dairy No. 33995/2019 placed on record (CLPB-II, Pg.133).

9. In view of the above facts and judicial precedents, we approve the objects of the assessee society as charitable and it's a genuine trust and accordingly, the order under appeal is unsustainable and thus reversed. The Ld. CIT(E) is directed to grant registration to the appellant forthwith, preferably within one month time of furnishing copy of this order.

**Order pronounced in the open court on 31.08.2021**

Sd/-

**(LalietKumar)**  
**Judicial Member**

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Sd/-

**(Dr. M. L. Meena)**  
**Accountant Member**

Copy of the order forwarded to:

- (1) The Appellant
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy

By Order