

**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES "A" : HYDERABAD  
(THROUGH VIDEO CONFERENCE)**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER  
AND  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No.	A.Y.	Appellant	Respondent
276/Hyd/21	2012-13	M/s.Karshak Vidya Parishad, Hyderabad [PAN: AAATK5390B]	ACIT, Central Circle-2(4), Hyderabad
277/Hyd/21	2013-14		
278/Hyd/21	2014-15		
279/Hyd/21	2015-16		
280/Hyd/21	2016-17		
281/Hyd/21	2017-18		
282/Hyd/21	2018-19		

S.A. No.	A.Y.	Applicant	Respondent
26/Hyd/21 (in ITA No.276/H/21)	2012-13	M/s.Karshak Vidya Parishad, Hyderabad [PAN: AAATK5390B]	ACIT, Central Circle-2(4), Hyderabad
27/Hyd/21 (in ITA No.277/H/21)	2013-14		
28/Hyd/21 (in ITA No.278/H/21)	2014-15		
29/Hyd/21 (in ITA No.279/H/21)	2015-16		
30/Hyd/21 (in ITA No.280/H/21)	2016-17		
31/Hyd/21 (in ITA No.281/H/21)	2017-18		
32/Hyd/21 (in ITA No.282/H/21)	2018-19		

For Assessee : Shri P.Murali Mohana Rao, AR  
For Revenue : Shri Paruchuri Dinesh, DR

Date of Hearing : 21-10-2021  
Date of Pronouncement : 23-11-2021

**ORDER**

**PER S.S.GODARA, J.M. :**

These assessee's stay applications S.A.Nos.26 to 32/Hyd/2021 with the corresponding appeals ITA Nos.276 to 282/Hyd/2021 for the AYs.2012-13 to 2018-19, arise from the CIT(A)-12, Hyderabad's order(s) dated 28-04-2021 passed in appeal Nos.10367, 10376, 10390, 10397, 10408, 10428 & 10431/2019-20, involving proceedings u/s.143(3) r.w.s. 153A of the Income Tax Act, 1961 [in short, 'the Act'].

Heard both the parties regarding assessee's stay relief as well as main appeals with their consent expressed during the course of hearing. Case files perused.

2. It transpires during the course of hearing of both stay applications and the main cases that the assessee's identical sole substantive grievance raised herein challenges correctness of the lower authorities' action; mainly that of the Assessing Officer, in disallowing entire expenditure of Rs.13,04,46,012/- in AY.2012-13's ITA No.276/Hyd/2021 followed by identical grounds raised in the remaining six cases as well. There is further no dispute that the assessee had filed its lower appeal before the CIT(A) on 31-01-2020 followed by his hearing notice issued on 29-02-2021 (e-mail) finally culminating in *ex-parte* rejection order(s) under challenge dt.04-03-2021. It is clear in this factual backdrop that the CIT(A) had conducted his lower appeal hearings mainly during the COVID-19 out-break lock down period(s) only wherein lack of communication between

the assessee, its auditor and the arguing counsel; as the case may be, could not be altogether ruled out.

3. Coupled with this emerges the clinching fact that all these impugned assessments have been framed u/s.153A of the Act in furtherance to the department's search action dt.23-03-2018. The PCIT(Central), Hyderabad had thereafter passed his order dt.26-12-2019 withdrawing the assessee's approval granted u/s.10(23C)(vi) of the Act. And that the Assessing Officer next framed his assessments by treating the assessee as having lost in the foregoing registration issue as an educational institution whilst making the impugned disallowance/addition forming subject matter of adjudication in all these seven appeals.

Faced with this situation that the learned lower authorities; and particularly, the Assessing Officer has treated the assessee as an institution no more enjoying Section 10(23C)(vi) exemption and the CIT(A)'s orders have been passed *ex-parte* during COVID-19 out-break as well as keeping in mind the fact that the tribunal's co-ordinate bench has accepted the taxpayer's appeal ITA No.320/Hyd/2020 preferred against the PCIT's foregoing registration cancellation order thereby granting necessary consequential relief, we deem it appropriate to set aside all the assessee's grounds raising the sole issue (supra) in the "lead" appeal ITA No.276/Hyd/2020 as well as six other appeals back to the Assessing Officer for his *de novo* adjudication as per law within three effective opportunities of hearing. Ordered accordingly.

4. We make it clear that Mr.Murali Mohana Rao has quoted case law, CIT Vs. Sengunthar Metriculation Higher Secondary School 129 taxmann.com 3 (SC) holding that *as long as an assessee adheres to parameters required to be satisfied for Section 10(23C) exemption, the same ought not to be denied in the course of appropriate proceedings.* We find no merit in the assessee's arguments at this stage since their lordships dealt with a case u/s.10(23C)(vi) registration than that of disallowance of expenditure or addition of the entire income; *per se.*

We make it clear that it shall be very much open for the assessee to raise all factual and legal objections; if so advised, in consequential proceedings. Ordered accordingly.

No other substantive ground has been pressed before us.

5. These assessee's instant seven appeals ITA Nos.276 to 282/Hyd/2021 are treated as allowed for statistical purposes in above terms and the corresponding stay applications S.A.Nos.26 to 32/Hyd/2021 stand dismissed as rendered infructuous. A copy of this common order be placed in the respective case files.

*Order pronounced in the open court on 23<sup>rd</sup> November, 2021*

Sd/-  
**(LAXMI PRASAD SAHU)**  
**ACCOUNTANT MEMBER**

Sd/-  
**(S.S.GODARA)**  
**JUDICIAL MEMBER**

Hyderabad,  
Dated: 23-11-2021

*Copy to :*

*1.M/s.Karshak Vidya Parishad, C/o. P.Murali & Co.,  
Chartered Accountants, 6-3-655/2/3, 1<sup>st</sup>Floor, Somajiguda,  
Hyderabad.*

*2.Asst.Commissioner of Income Tax, Central Circle-2(4),  
Hyderabad.*

*3.CIT(Appeals)-12, Hyderabad.*

*4.Pr.CIT(Central)-Hyderabad.*

*5.D.R. ITAT, Hyderabad.*

*6.Guard File.*