

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "SMC" NEW DELHI**

**BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER**

आ.अ.सं./I.T.A No.1795/Del/2021

निर्धारणवर्ष/Assessment Year: 2017-18

<b>Khubi Ram Ram Saran Das Dharmada Trust, G1, Vishwa Apartments, 3 Shankaracharya, Civil Lines, Delhi.</b>	<b>बनाम Vs.</b>	<b>Pr. CIT(E) 26<sup>th</sup> Floor, Pratyaksh Kar Bhawan, E-2, Civil Centre, New Delhi.</b>
<b>PAN No. AAATK0625K</b>		
<b>अपीलार्थी Appellant</b>		<b>प्रत्यर्थी/Respondent</b>

निर्धारितकीओरसे /Assessee by	<b>Ms. Prem Lata Bansal, Sr. Adv.</b>
राजस्वकीओरसे /Revenue by	<b>Shri Om Prakash, Sr. DR</b>

सुनवाईकीतारीख/ Date of hearing:	15.03.2022
उद्घोषणाकीतारीख/Pronouncement on	28.04.2022

**आदेश /O R D E R**

This appeal is filed by the Assessee against the order of the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC) dated 10.11.2021 for AY 2017-18 in sustaining the order of the Central Processing Centre, Bengaluru in denying exemption claimed u/s 11 of the Act.

2. At the outset, Ld. Counsel for the assessee submits that while processing the return u/s 143(1) CPC, Bengaluru denied exemption claimed u/s 11 for the reason that audit report was filed belatedly. The Ld. Counsel for the assessee referring to page 25 of the Paper Book

submits that the Assessing Officer passed rectification order allowing the exemption claimed u/s 11 of the Act based on an order passed u/s 119(2)(b) of I.T. Act by the Commissioner of Income Tax (Exemption), New Delhi who has condoned the delay in submissions of Form No. 10B for the assessment year under consideration. Therefore, it is submitted that in view of the order passed by the Commissioner of Income Tax (Exemption) u/s 119(2)(b) condoning the delay in submission of audit report and Form 10B the Ld. CIT(A) (NFAC) is not justified in sustaining the order passed by the CPC, Bengaluru u/s 143(1) in denying the exemption u/s 11 of the Act.

3. Ld. DR fairly submitted that an order u/s 119(2)(b) was passed condoning the delay in submission of Form No. 10B for the assessment year under consideration by the Commissioner of Income Tax (Exemption) and the Assessing Officer following the said order allowed the relief claimed by the assessee.

4. On hearing both the sides and perusing the order of the authorities below and the rectification order of the Assessing Officer passed u/s 154 it is very much clear that the Ld. CIT(A)(Exemption), New Delhi passed an order u/s 119(2)(b) condoning the delay in submission of Form No. 10B by the assessee for the AY 2017-18. Based on the said order the Ld. Assessing Officer rightly passed rectification order dated 19.03.2021 allowing the exemption claimed u/s 11 by the assessee. Hence, the

order passed by the Ld. CIT(A) in sustaining the order of the CPC, Bengaluru is not sustainable. Hence, the order of the Ld. CIT(A) is set aside.

5. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 28/04/2022

**Sd/-  
(C.N. PRASAD)  
JUDICIAL MEMBER**

Dated: 28.04.2022

*\*Kavita Arora, Sr. P.S.*

Copy of order sent to- Assessee/AO/Pr. CIT/ CIT (A)/ ITAT (DR)/Guard file of ITAT.

**By order**

**Assistant Registrar, ITAT: Delhi Benches-Delhi**