

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई  
**IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI**  
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।  
**Before Shri V. Durga Rao, Judicial Member &  
Shri Manoj Kumar Aggarwal, Accountant Member**

आयकर अपील सं./I.T.A. No.588/Chny/2021  
निर्धारण वर्ष/Assessment Year: 2018-19

Pace Charitable Trust,  
Block-Z-12, Z-2, Anna Nagar West,  
Chennai 600 040.  
**[PAN:AAATP3766A]**

Vs. The Income Tax Officer,  
Exemption Ward 3,  
Chennai.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri K. Meenakshisundaram, ITP  
प्रत्यर्थी की ओर से/Respondent by : Shri AR V Sreenivasan, Addl. CIT  
सुनवाई की तारीख/ Date of hearing : 18.04.2022  
घोषणा की तारीख /Date of Pronouncement : 06.05.2022

**आदेश /O R D E R**

**PER V. DURGA RAO, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], New Delhi dated 18.11.2021 relevant to the assessment year 2018-19.

2. Brief facts of the case are that the assessee is a charitable trust registered under section 12AA of the Income Tax Act, 1961 ["Act" in short]. The assessee trust filed its return of income on 25.10.2018 for the assessment year 2018-19 admitting income of ₹.14,58,407/-. The tax

audit report in Form 10B was filed on 30.10.2018. The CPC, Bangalore processed the return on 30.09.2019. The CPC in their intimation under section 143(1) of the Act disallowed the total income received which was claimed under section 11 of the Act as exempt for the reason that the audit report in Form 10B was not filed along with the return of income as per section 12(A)(1)(b) of the Act. On appeal, by following CBDT circular, the Id. CIT(A) has observed that the jurisdictional Commissioner is the competent authority for the granting the condonation of delay in filing of the Form 10B and dismissed the appeal of the assessee.

3. On being aggrieved, the assessee is in appeal before the Tribunal and the Id. Counsel for the assessee has prayed for condonation of short delay in filing the Form 10B.

4. On the other hand, the Id. DR supported the orders of authorities below.

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. In this case, the return of income was filed on 25.10.2018, whereas, the audit report in Form 10B was filed on 30.10.2018. Since, the audit report in Form 10B was not filed along with the return of income as per section 12(A)(1)(b) of

the Act, the Assessing Officer has disallowed the claim of deduction under section 11 of the Act. On appeal, the Id. CIT(A) [NFAC] dismissed the appeal of the assessee by observing as under:

*“On perusal of the above Circular, it is observed that the jurisdictional Commissioner of Income Tax of the appellant is the competent authority for the granting the condonation of delay in filing of the Form 10B. As no such order of condonation has been furnished during the appellate proceedings, the appellant is not entitled to the deduction u/s. 11 and the disallowance made by the CPC is therefore, held to be correct and is upheld. Accordingly, all the grounds of appeal are dismissed.”*

6. We find no reason to interfere with the order passed by the Id. CIT(A) on this issue. However, it is open to the assessee to approach an appropriate forum for condonation of delay in filing the Form 10B by filing appropriate application before an appropriate authority as per law.

7. In the result, the appeal filed by the assessee is dismissed.

Order pronounced on 06<sup>th</sup> May, 2022 at Chennai.

Sd/-  
(MANOJ KUMAR AGGARWAL)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 06.05.2022

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent, 3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR & 6. गार्ड फाईल/GF.