

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH, 'A' PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.83/PUN/2021

निर्धारण वर्ष / Assessment Year : 2016-17

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| Jt.CIT (OSD), (Exemptions),Circle, Pune | Vs. | Shri Mukund Bhavan Trust, 1105, Raviwar Peth, Pune 411 002 Maharashtra PAN : AAATS5170R |
| Appellant | | Respondent |

Assessee by
Revenue by

Shri V.L. Jain
Shri Kalika Singh

Date of hearing 05-07-2022
Date of pronouncement 05-07-2022

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the Revenue is directed against the order passed by the CIT(A)-10, Pune on 06-02-2020 in relation to the assessment year 2016-17.

2. There is a delay of 329 days in filing the appeal before the Tribunal. The ld. DR submitted that the delay is attributable to Covid-19 pandemic period. No serious objection was raised by the ld. AR. The delay is, therefore, condoned by virtue of

judgment of the Hon'ble Supreme Court in *Cognizance for Extension of Limitation, In re 438 ITR 296 (SC)* read with judgment in *Cognizance for Extension of Limitation, In re 432 ITR 206 (SC)* dated 08-03-2021 and *421 ITR 314* and the instant appeal is admitted for disposal on merits.

3. The only issue raised in this appeal is against the non-granting of exemption u/s.11 read with section 13(1)(c) and 13(2)(b) of the Income-tax Act, 1961 (hereinafter also called 'the Act') to the tune of Rs.8,73,62,557/-.

4. Briefly stated, the facts of the case are that the assessee claimed exemption u/s.11 of the Act, which was denied by the AO on the ground that the assessee had given some part of its property to trustee, Shri Purushottam Lohiya, for which rent charged was less than that charged from other tenants. When the matter came up before the Id. CIT(A), he, following the decision of the Tribunal in assessee's own case for earlier years, allowed the appeal. Aggrieved thereby, the Revenue has come up before the Tribunal.

5. Having heard the rival submissions and gone through the relevant material on record, it is observed that the issue under

consideration is admittedly similar to the one decided by the Tribunal in its order for earlier years 2010-11 and 2011-12 (ITA Nos.223/PUN/2014 & ITA No.1180/PUN/2015), followed by another order for the assessment year 2013-14 (ITA No.2439/PUN/2017). In the order for the assessment years 2010-11 and 2011-12, the Tribunal has restored the matter to the file of AO with necessary directions. The relevant discussion has been made at paras 6 onwards of the Tribunal order. Since the facts and circumstances are admittedly similar, we set-aside the impugned order and remit the matter to the file of the AO for deciding the issue afresh as per law in conformity with the directions given by the Tribunal in the aforesaid order. Needless to say, the assessee will be allowed reasonable opportunity of hearing.

6. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 05th July, 2022.

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 05th July, 2022
सतीश

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order is forwarded to:

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The CIT(A)-10, Pune
4. The CIT (Exemption), Pune
5. DR, ITAT, 'A' Bench, Pune
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

| | | Date | |
|-----|--|------------|-------|
| 1. | Draft dictated on | 05-07-2022 | Sr.PS |
| 2. | Draft placed before author | 05-07-2022 | Sr.PS |
| 3. | Draft proposed & placed before the second member | | JM |
| 4. | Draft discussed/approved by Second Member. | | JM |
| 5. | Approved Draft comes to the Sr.PS/PS | | Sr.PS |
| 6. | Kept for pronouncement on | | Sr.PS |
| 7. | Date of uploading order | | Sr.PS |
| 8. | File sent to the Bench Clerk | | Sr.PS |
| 9. | Date on which file goes to the Head Clerk | | |
| 10. | Date on which file goes to the A.R. | | |
| 11. | Date of dispatch of Order. | | |

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