

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री वी दुर्गा राव न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष
Before Shri V. Durga Rao, Judicial Member &
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No. 17/Chny/2021

Reserve Bank Staff Quarters School
Rep. by Maniraj V.M., Correspondent,
R.B.I. Staff Quarters, Besant Nagar,
Chennai 600 090.

The Commissioner of
Income Tax [Exemptions],
Chennai.

[PAN:AAAAR8618L]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Ms. Amritha Sathyajith, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri M. Rajan, CIT
सुनवाई की तारीख/ Date of hearing : 02.08.2022
घोषणा की तारीख /Date of Pronouncement : 24.08.2022

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 [Exemptions], Chennai, dated 31.08.2020 in rejecting the application for registration under section 12AA of the Income Tax Act, 1961 ["Act" in short].

2. The appeal filed by the assessee is delayed by 95 days in filing the appeal before the Tribunal due to outbreak of COVID-19 pandemic and accordingly, the delay is condoned and admitted the appeal for

adjudication.

3. The assessee-applicant filed an online application in Form 10A for registration under section 12AA of the Act on 11.11.2019. While processing the application, the Id. CIT(E) has noticed that certain particulars were required to process the application as per section 12AA(1) of the Act. Accordingly, the applicant was requested to furnish its clarifications vide e-mail dated 11.03.2020. Since the assessee has not complied with any of the three opportunities granted, the Id. CIT(E) has rejected the application for registration under section 12AA of the Act.

4. Before us, the Id. Counsel for the assessee has submitted that due to the While so, due to the unanticipated outbreak of COVID-19 and the resultant national lockdown and curfew announced by the Central and State Government, the assessee-applicant school was forced to shut down in March. Much like others, the lockdown fully impacted the functioning of the applicant's school and the management of the school were not in a position to access their systems, emails, files and records till the end of July. The management of the Applicant school was able to access its system and files only by the last week of

July, when the lockdown restrictions were relaxed by the Central and State Government. It was further submission that the Id. CIT(E) vide notice dated 11.03.2020 required the Applicant to furnish several documents and information on 26.03.2020 at their office, to process the application filed by the Applicant under section 12AA of the Act. In the said notice, the Id. CIT(E) has mentioned that if the Applicant failed to furnish the necessary information and documents on 26.03.2020, then the case would stand automatically adjourned to 07.04.2020 and thereafter to 16.04.2020 and if the Applicant failed to comply by the said dates, then further opportunity would not be granted. The Id. Counsel for the assessee has further submitted that the entire country was faced with an unprecedented crisis and was under a stringent lockdown and the Applicant was not in a position to access their systems and files, much less furnish the required information and documents on the dates specified in the notice dated 11.03.2020. Since the school was imparting education to children from deprived and marginalized families and the registration under section 12AA of the Act would greatly help in imparting quality education, the Id. Counsel prayed for affording reasonable opportunity for furnishing all required details for grant of registration under section 12AA of the Act.

5. On the other hand, the Id. DR has not seriously object to the submissions of the Id. Counsel.

6. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. In this case, the assessee-applicant filed an application in Form 10A for registration under section 12AA of the Act on 11.11.2019. The Id. CIT(E) has called for clarification vide his email dated 11.03.2020 by affording three opportunities, in fact, the opportunities afforded to the assessee are during the nation-wide lockdown due to outbreak of Covid-19 pandemic.

6.1 We find that the clarification sought for by the Id. CIT(E) pertains to the period of outbreak of Covid-19 pandemic. Vide order in Miscellaneous Application No. 665 of 2021 dated 23.03.2020, the Hon'ble Supreme Court has given directions that the delay is to be condoned during the period from 15.03.2020 to 14.03.2021 and they have condoned the delay upto 28.02.2022 vide order in Miscellaneous Application No. 21 of 2022 dated 10.01.2022.

6.2 Under the above facts and circumstances, we set aside the order of the Id. CIT(E) and remit the matter back to the file of the Id. CIT(E) to

decide the application afresh by affording reasonable opportunities of being heard to the assessee. The assessee is also directed to furnish complete details before the Id. CIT(E) for the purpose of grant of registration under section 12AA of the Act.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on the 24th August, 2022 in Chennai.

Sd/-
(G. MANJUNATHA)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 24.08.2022

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.