

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'F', NEW DELHI**

**Before Dr. B. R. R. Kumar, Accountant Member  
Sh. Yogesh Kumar US, Judicial Member**

**ITA No. 2000/Del/2020**

Plastics Packaging Research & Development Centre, 1A, 4, Sector-62, Noida, U.P.-201301	Vs	CIT(Exemptions), Lucknow
(APPELLANT)		(RESPONDENT)
<b>PAN No. AAETP3346G</b>		

**Assessee by : Sh. M. P. Rastogi, CA  
Revenue by : Sh. T. Kipgen, Sr. DR**

<b>Date of Hearing: 01.08.2022</b>	<b>Date of Pronouncement: 30.08.2022</b>
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**ORDER**

**Per Dr. B. R. R. Kumar, Accountant Member:**

The present appeal has been filed by the assessee against the order of Id. CIT(E), Lucknow dated 24.11.2020.

2. Following grounds have been raised by the assessee:

*"1. That the CIT(Exemptions) ought not to have refused the registration to a newly created trust, without pointing out any object of the trust as non-charitable on the ground of non-genuineness of the activities and consequently the order of CIT(Exemptions) u/s 12AA of the IT Act is arbitrary and bad in law.*

*2. That the CIT(Exemptions) ought not to have denied the registration u/s 12AA of the IT Act to the newly created assessee-trust, the activities have yet to be undertaken, on the ground of non-commencement of the activities."*

3. The assessee society/trust filed an application for registration u/s 12AA of the Income Tax Act, 1961 on

30.01.2020. The case was fixed for hearing on 24.06.2020 and on 10.07.2020. The Id. CIT(E) rejected the registration sought by the assessee on the grounds that the assessee has not submitted any documents in support of "charitable activities" claimed to have been conducted by the applicant during the year and also has not completely complied to the questionnaire issued.

4. Before us, the Id. AR pleaded that at the stage of registration u/s 12A which is a pre-conditioned for availing benefits u/s 11 & 12, the Commissioner at the stage of registration is not required to examine the application of the income of the trust and has to see only whether or not the trust is charitable or not and also the order of rejection has been passed in haste. It was pleaded that given an opportunity, the assessee would represent the case before the Id. CIT(E) with all the relevant facts pertaining to the activities of the society trust and also the case laws of Hon'ble jurisdictional High Court. The Id. DR argued that no such opportunity needs to be given to the assessee as he did not comply to the notices issued earlier.

5. Having gone through the facts on record and the judgment of the Hon'ble High Court of Allahabad in the case of Fifth Generation Education Society Vs. CIT order dated 10.05.1990, we hold that interest of justice would be well served by referring the matter back to the file of the Id. CIT(E) to examine the issue afresh after affording an opportunity of being heard to the assessee. The assessee shall comply to the notices issued by the Id. CIT(E) promptly without seeking any unnecessary adjournments.

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

Order Pronounced in the Open Court on 30/08/2022.

Sd/-  
**(Yogesh Kumar US)**  
**Judicial Member**  
**Dated: 30/08/2022**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-  
**(Dr. B. R. R. Kumar)**  
**Accountant Member**

**ASSISTANT REGISTRAR**