

**आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**'B' BENCH, CHENNAI**

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON'BLE SHRI MAHAVIR SINGH, VICE PRESIDENT AND**  
**HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM**

आयकर अपील सं./ **ITA No.3287/Chny/2019**

<b>Cuticon TN 2019</b> No.223, L Block, 21 <sup>st</sup> Street, Annanagar East, Chennai – 600 102.	<b>बनाम</b> / Vs.	<b>CIT(Exemptions)</b> Chennai.
<b>स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. AAEAC-0295-Q</b>		
<b>(□ पीलार्थी/Appellant)</b>	:	<b>(प्रत्यर्थी / Respondent)</b>

<b>अपीलार्थी की ओरसे/ Appellant by</b>	:	Shri K. Ravi (Advocate)-Ld. AR
<b>प्रत्यर्थी की ओरसे/Respondent by</b>	:	Shri D. Hema Bhupal (JCIT) –Ld. DR
<b>सुनवाई की तारीख/Date of Hearing</b>	:	08-12-2022
<b>घोषणा की तारीख /Date of Pronouncement</b>	:	08-12-2022

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aggrieved by rejection of registration application u/s 12AA of the Act by learned Commissioner of Income Tax (Exemption), Chennai [CIT(E)] vide order dated 30-09-2019, the assessee is in further appeal before us. The assessee is an association of persons with the object of conducting conference for the purpose of disseminating knowledge of dermatology, Venerology and Leprology. The Ld. CIT(E) rejected registration, inter-alia, on the ground that the assessee would not fall within the term 'legal obligation as contained in Explanation-1 below Sec.13(9). Further, the assessee was anticipating surplus.

2. The Ld. AR, Shri K. Ravi, pleaded that it would not be necessary that the assessee applying for registration must necessarily be a trust and legal obligation could be derived from a contract, legislation or other operation of law. Reliance has been placed on various judicial decisions to support the same. Further, mere generation of surplus would not disentitle any entity to get registration as held by Hon'ble Supreme Court in the case of Queen's Educational Society vs. CIT 8 SCC 47. The Ld. Sr. DR, on the other hand, submitted that legal position has substantially been altered after the recent decision of Hon'ble Supreme Court in bunch of appeals titled as **New Noble Educational Society (143 Taxmann.com 276)** as well as in **ACIT vs. Ahmedabad Urban Development Authority (144 Taxmann.com 78)**. During hearing, it was point of agreement that considering the recent decisions of Hon'ble Apex Court on the subject, the matter may be set aside to Ld. CIT(E) for reconsideration.

3. In view of the foregoing, it is deem it fit to set aside the impugned order and the matter of registration is restored back to the file of Ld. CIT(E) for re-consideration in the light of cited judicial decisions. All the issues are kept open. Needless to add that the assessee would be provided with adequate opportunity of hearing to substantiate its case.

4. The appeal stand allowed for statistical purposes.

Order pronounced on 08<sup>th</sup> December, 2022.

Sd/-  
(MAHAVIR SINGH)  
उपाध्यक्ष / VICE PRESIDENT

Sd/-  
(MANOJ KUMAR AGGARWAL)  
लेखासदस्य / ACCOUNTANT MEMBER

चेन्नई / Chennai; दिनांक / Dated : 08-12-2022  
EDN/-

**आदेश की प्रतिलिपि ँ ग्रेषित/Copy of the Order forwarded 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