

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "G" DELHI**

**BEFORE SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
&
SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER**

I.T.A. No.2428/DEL/2017

Seth Ram Lal Khemka Dharamshala Trust, 16, Ground Floor, Sri Ram Road, Civil Lines, Delhi.	Vs.	Commissioner of Income Tax (E) (HQRS), New Delhi.
TAN/PAN: APTS6355M		
(Appellant)		(Respondent)

Appellant by:	Shri Vaneet Makkar, CA		
Respondent by:	Shri Dilip Singh Kothari, CIT-DR		
Date of hearing:	08	02	2023
Date of pronouncement:	21	02	2023

ORDER

PER PRADIP KUMAR KEDIA, A.M.:

The captioned appeal has been filed by the Assessee against the order of the Commissioner of Income Tax (Exemption), Delhi ['CIT(A)' in short] dated 20.02.2017 under Section 12AA of the Income Tax Act, 1961 (the Act).

2. The grounds of appeal raised by the assessee reads as under:

"1. In the facts and circumstances of the case, the Honourable CIT(E) has erred in granting Registration u/s. 12AA from Assessment Year 2017-18 instead of Assessment Year 2016-17. The Trust applied for registration on 14th March, 2016 through electronic uploading as required under prevalent procedures as such the registration should be granted for Assessment Year 2016-17.

2. In the facts and circumstances of the case, the Honourable CIT(E) has erred in ignoring the application filed on 14th March, 2016 for granting Registration u/s.12AA and treating manual filing of documents as date of filing of application.

3. *In the facts and circumstances of the case and the law the application filed on 14th March, 2016 for granting Registration under Section 12AA should be deemed approved under Section 12AA.*”

3. When the matter was called for hearing, the Id. Counsel for the assessee submitted that the assessee moved an application in Form No.10A for registration under Section 12AA r.w. Section 12A of the Income Tax Act on 14.03.2016 for which e-filing acknowledgement number was duly generated as placed at page no.4 of the paper book. It was submitted that the application was made seeking grant of registration from Assessment Year 2016-17 onwards. The assessee made inquiries with the Department in August, 2016 to know the fate of the application made earlier and filed a photocopy of Form No.10A for necessary action at the end of the Department. However, the Department treated the photocopy of Form no. 10A as fresh application and issued notice requiring the assessee to file necessary documents and granted registration w.e.f Assessment Year 2017-18 onwards. On an enquiry from the Bench, it was submitted that no fresh application was made in Financial Year 2016-17 at all and the registration has been granted on the basis of application made in Financial Year 2015-16. The Id. counsel for the assessee thus submitted that the Trust requires to be granted registration w.e.f Assessment Year 2017-18 instead of Assessment Year 2016-17 since the application made falls in Financial Year 2015-16 relevant to Assessment Year 2016-17. The Id. counsel thus urged for suitable directions in a matter.

4. The Id. DR for the Revenue did not contest the averments made on behalf of the assessee but however submitted that an enquiry would be pertinent at the end of the designated authority to ascertain the factual matrix.

5. We have carefully considered the rival submissions. From the documents filed on behalf of the assessee, it appears that the application for registration was made in the Financial Year 2015-16 relevant to Assessment Year 2016-17. However, the registration has been granted w.e.f Financial Year 2016-17 relevant to Assessment Year 2017-18. In the process, the registration with respect to Financial Year 2015-16 (Assessment Year 2016-17) was deprived to the assessee without any fault attributable to assessee. We thus consider it expedient to restore the issue back to the file of the CIT(E)/designated authority empowered to grant registration, for re-examining the issue and take appropriate action. It shall be open to the assessee to place all the facts before the designated authority to support its entitlement for registration w.e.f. Financial Year 2015-16, i.e., Assessment Year 2016-17 onwards. The designated authority shall pass an speaking order in accordance with law and shall grant registration as entitled to the assessee on being satisfied towards the fulfillment of pre-requisites for obtaining registration under Section 12AA r.w. Section 12A of the Act. With these directions, the matter is restored back to the file of the CIT(E)/designated authority.

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

Order pronounced in the open Court on 21/02/2023.

Sd/-

**[NARENDER KUMAR CHOUDHRY]
JUDICIAL MEMBER**

DATED: /02/2023

Prabhat

Sd/-

**[PRADIP KUMAR KEDIA]
ACCOUNTANT MEMBER**