

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE 'A' BENCHES :: PUNE

BEFORE SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER &  
SHRI G.D. PADMAHSHALI, ACCOUNTANT MEMBER

ITA No. 639/PUN/2023

Brahmin Sabha Jalgaon, Brahmin Sabha Baliram Peth, Jalgaon.	vs	CIT (Exemption), Pune.
PAN: AAATB 9398 N		
Appellant		Respondent

Assessee by	:	Smt. Deepa Khare, Adv.
Revenue by	:	Shri Keyur Patel, CIT-DR
Date of hearing	:	15/06/2023
Date of pronouncement	:	27/06/2023

O R D E R

Per PARTHA SARATHI CHAUDHURY, JM:

This appeal preferred by the assessee emanates from the order of Commissioner of Income Tax (Exemption), Pune, dated 28.03.2023 as per the grounds of appeal on record.

2. That, on perusal of the grounds of appeal, it is evident that solitary grievance of the assessee is the rejection of application for registration to the assessee-trust u/sec. 12AB of the Act.

2.1 That, on perusal of the order of Id. CIT(E), it is apparently clear that various details were called for from the assessee-trust to verify the genuineness of the activities of the assessee-trust and whether the assessee is complying with the requirement of any other laws in force at the relevant point of time and the objects of the trust. These details

were called for as per section 12AB(1)(b)(i) of the Act. These information/documents are basic requirement for ascertaining the overall nature of the activities performed by the assessee and whether genuinely the activities are public charitable in nature or not. The assessee submitted certain documents, however, various discrepancies have been noticed which were communicated to the assessee by the Department. However, irrespective of effective communication, these details were not furnished by the assessee and, therefore, it was not possible for the Id. CIT(E) to examine the ingredients of sec. 12AB i.e. to examine the genuineness of the activities of the assessee and whether assessee is complying with the other applicable laws in force at the relevant time and objects of the applicant trust. He therefore rejected the application for grant of registration of the assessee.

3. We are of the considered view that it is a case where the application for registration of a trust was filed by the assessee, and for want of supporting evidences, the matter was rejected by the Department. It has to be appreciated that the purpose of the provisions for registration of trust u/sec. 12AB and granting of exemption u/sec. 80G, all these sections derives their spirit from the Directive Principles of State Policy enshrined in the Constitution of India. Since, the Govt. of India makes endeavor to provide welfare to one and all in the society at large and in view thereof the registration for public charitable trusts are given in order to ensure that through

these charitable trusts benefits should flow to the entire society wherefrom various charitable activities, the entire society is benefited and the objectives of the Govt. of India in furtherance to the Directive Principles of State Policy are achieved. These provisions for the trust registration and granting of exemption u/sec. 80G enhance the socio economic welfare in the society. Furthermore, the Income Tax laws are welfare legislations and not penal in nature. Therefore, in the interest of justice and considering all the afore-stated observations, we are of the considered view that one more opportunity should be provided to the assessee to file the relevant details before the Id. CIT(E) and present their case on merits. In view thereof, we set aside the order of the Id. CIT(E) and remit the matter back to his file with the aforesaid direction and the Id. CIT(E) shall re-adjudicate as per law complying with the principles of natural justice. Grounds of appeal of the assessee are allowed for statistical purpose.

4. In the result, appeal of the assessee stands allowed for statistical purpose.

Order pronounced in open Court on 27<sup>th</sup> June, 2023.

Sd/-  
(G.D. PADMAHSHALI)  
ACCOUNTANT MEMBER

Sd/-  
(PARTHA SARATHI CHAUDHURY)  
JUDICIAL MEMBER

Dated : 27<sup>th</sup> June, 2023  
vr/-

*ITA No.639 /PUN/2023  
Brahmin Sabha Jalgaon*

Copy to :

1. The Appellant.
2. The Respondent.
3. The Pr. CIT concerned.
5. The DR, ITAT, "A" Bench Pune.
6. Guard File.

By Order

// TRUE COPY //

Senior Private Secretary  
ITAT, Pune.