

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

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

ITA No.658 /PUN/2023

Veershaiv Kakkayya Dhor Samaj Vikas Mandal Ahmednagar, H.No. 1525, Dev Nagari Behind Deshmukh Mangal Karyalay Nagardevale Bhingar, Ahmednagar. PAN: AACTV 6813 E	vs	CIT (Exemption), Pune.
Appellant		Respondent

Assessee by	:	None
Revenue by	:	Shri Prakash Mane, DR
Date of hearing	:	22/06/2023
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 30.03.2023 as per the following grounds of appeal:-

- "1. CIT(E), Pune has erred in rejecting registration to the trust u/sec. 12AB of the Act. Appellant prays for grant of registration*
- 2. CIT(E) has erred in not being just and fair and rejecting registration u/sec. 12AB to the trust.*
- 3. CIT(E) has erred not being just, judicious and fair. Appellant prays for just and equitable relief.*
- 4. Appellant prays to add, alter, amend, take additional grounds, submit additional evidence, and/or withdraw the ground/s, during appellate proceedings.*

2. That, on perusal of the grounds of appeal, it is evident that solitary grievance of the assessee is the rejection of registration to the assessee-trust u/sec. 12AB of the Act by the Id. CIT(E).

2.1 At the time of hearing, none appeared on behalf of the assessee. The submissions of the Id. DR were considered, merits of the case were discussed, materials available on record were considered and analysed and the case was heard.

2.2 That, on perusal of the order of Id. CIT(E), certain details were called for from the assessee to verify the genuineness of the objects of the assessee-trust and to ascertain the genuineness of the charitable activities done by the applicant-trust. There were opportunities given by the Department to the assessee for submission of supporting evidences to demonstrate the charitable activities performed by the trust. However, at para 3, the Id. CIT(E) mentions that evidences submitted by the assessee were cryptic and not conclusive to establish the commencement of activities. Therefore, at para 4, Id. CIT(E) held that it was not possible to arrive at satisfactory conclusion about the genuineness of the activities and the application of the assessee was rejected.

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 27th June, 2023.

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

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Dated : 27th June, 2023
vr/-

Copy to :

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

By Order

Senior Private Secretary
ITAT, Pune.