

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND
DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER
ITA No. 299/SRT/2023 (AY: N/A)
(Hearing in Virtual Court)

G N Sirvi Education Trust, A/901, Shriya Heights, B/h Lehuva Patel Samaj, Saroli, Surat-395010, Gujarat. PAN: AACTG 4666 L	Vs.	Commissioner of Income Tax (Exemptions), Ahmedabad.
APPELLANT		RESPONDEDNT

Assessee by	Shri Denish Mashroowala, C.A and Shri Dinesh Radadiya, Advocate.
Department by	Shri Ashok B. Koli (CIT-DR)
Date of Institution of Appeal	01/05/2023
Date of hearing	10/07/2023
Date of pronouncement	10/07/2023

Order under Section 254(1) of Income Tax Act

PER: PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal by the assessee-trust is directed against the order of learned Commissioner of Income Tax, (Exemptions), Ahmedabad [in short the Id. CIT(E)] dated 11/03/2023 in rejecting the application of assessee-trust for registration under Section 12AB of the Income Tax Act, 1961 (in short, the Act). The assessee has raised following grounds of appeal:

- “(1) The learned CIT(Exemption) Ahmedabad has rejected application for registration U/s 12AA of Income Tax Act, 1961 on procedural ground. The applicant failed to upload the details under bonafide account for FY 2020-21 and FY 2021-22.
- (2) Assessee/Trust are already submitted three year financial statement with application (Form No. 10AB) so assessee/trust are under

impression that assessing officer required the same three year financial statement, so same document submitted second time.

(3) *General notice to all applicant and very short time period for reply, no specific notice for requisite documents.”*

2. Brief facts of the case are that the assessee filed an application for registration under Section 12AB of the Act in Form 10AB in accordance with Rule 17A of the Income Tax Rules, 1962, (in short, the Rules). The assessee furnished necessary and required details at the time of filing application electronically/online. On receipt of such application, the Id. CIT(E) issued notice dated 10/12/2022 and subsequently on 03/01/2023 for requiring certain details including the Form No. 10AB, certified copies of annual accounts of three years preceding to the filing of application. The assessee filed required details alongwith accounts for F.Y. 2017-18, 2018-19 and 2019-20. No accounts for F.Y. 2020-21 and 2021-22 was furnished. The Id. CIT(E) on considering such details, noted that in absence of accounts for F.Y. 2020-21 and 2021-22, the genuinenity of activities could not be verified vis a vis object of assessee. Even the verification of object as per constitution deed activities could not be verified. The Id. CIT(E) was of the view that for granting registration under Section 12AB of the Act, he was required to satisfy about genuineness of activities of the trust or institution and those activities are in consonance of the object of the trust or institution, thus in absence of required details, the Id. CIT(E) rejected the application vide impugned

order dated 11/03/2023. Aggrieved by the order of Id. CIT(E), the assessee has filed present appeal before this Tribunal.

3. We have heard the submissions of learned Authorised Representative (Id. AR) of the assessee submits and the learned Commissioner of Income Tax-Departmental Representative (Id. CIT-DR) for the revenue. The Id. AR of the assessee submits that initially the assessee furnished complete details alongwith Form 10AB in accordance with Rule 17A of the Rules while filing/uploading the application for registration. The Id. CIT(E) in para 7 of the impugned order, has accepted that the assessee - trust has uploaded copy of institution deed alongwith details of registration with Charity Commissioner. The Id. CIT(E) also accepted that the assessee has furnished accounts for F.Y. 2017-18, 2018-19 and 2019-20 as recorded in para 8 of impugned order. However, the assessee could not furnish the accounts for F.Y. 2020-21 and 2021-22 due to paucity of time. The assessee trust undertake to furnish further required details before the Id. CIT(E) for his satisfaction for examining the genuinenity of activities in accordance with object of trust. The Id. AR of the assessee submits that they have very good case on merit and is likely to succeed, if one more opportunity is given to furnish the required details and to reconsider their application afresh.
4. On the other hand, the Id. CIT-DR for the revenue supported the order of Id. CIT(E). The Id. CIT-DR submits that the assessee has not furnished

required details and evidences qua the activities if any carried out in consonance with the object of the assessee. In absence of such information and evidence, the Id. CIT(E) rightly rejected the application of assessee for registration under Section 12AB of the Act.

5. We have considered the submissions of both the parties and have gone through the order of Id. CIT(E) carefully. We find that there is no dispute that the assessee furnished copy of trust deed/instrument of trust, details of registration with charity Commissioner and audited accounts for F.Y. 2017-18 to 2019-20. Only audited accounts for F.Y. 2020-21 and 2021-22 were not furnished as required by Id. CIT(E). The Id. AR of the assessee submits that they were given very short time to make response and they are still ready to furnish required details including audited accounts for F.Y. 2020-21 and 2021-22. Considering the fact that the assessee has raised specific grounds of appeal and made submission that they would not furnish accounts for F.Y. 2020-21 and 2021-22 due to paucity of time, therefore, we deem it appropriate to restore the issue back to the file of Id. CIT(E) to allow the assessee to file requisite details including audited accounts for F.Y. 2020-21 and 2021-22. Needless to direct that before deciding the application afresh, the Id. CIT(E) shall grant opportunity of hearing including to make further submission to prove the object of assessee-trust and its activities. In the result, grounds of assessee's appeal is allowed for statistical purposes.

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

Order pronounced on 10/07/2023 in open court.

Sd/-
(Dr. ARJUN LAL SAINI)
ACCOUNTANT MEMBER

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

Surat, Dated: 10/07/2023

**Ranjan*

Copy to:

1. Assessee –
2. Revenue -
3. CIT
4. DR
5. Guard File

By Order

Sr. Private Secretary, ITAT Surat