

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT

BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND

DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER

ITA No. 72/SRT/2023 (AY: 2022-23)

(Hearing in Physical Court)

Shri Surat Shaher Patrakar Kalyan Nidhi, C/o-Mehulbhai Desai, 7B, Rajdeep Chambers, Opp. Sailor Sport Club, Kharva Mohollo, Nanpura, Surat-395001. <b>PAN: AALTS 6464 R</b>	Vs.	The Commissioner of Income Tax (Exemptions), Ahmedabad, Room No. 609, Floor-6, Aayakar Bhawan (Vejalpur), Nr. Sachin Tower, 100 Foot Road, Anandnagar- Prahlanagar Road, Ahmedabad-380015.
<b>APPELLANT</b>		<b>RESPONDEDNT</b>

Assessee by	Shri Hiren Vepari, CA
Department by	Shri Ashok B. Koli (CIT-DR)
Date of Institution of Appeal	31/01/2023
Date of hearing	07/07/2023
Date of pronouncement	14/07/2023

**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 31/10/2022 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) was not justified in rejecting application u/s 12AB.
- (2) The learned CIT(E) took a very narrow view in the matter and was driven by extraneous consideration.

(3) *The appellant craves leave to add, alter or vary any of the grounds of appeal."*

2. Brief facts of the case are that the assessee-trust 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) on 04/04/2022. The assessee furnished necessary details at the time of filing application electronically/online, including copy of original registration alongwith memorandum of association/constitution deed/trust deed of assessee. The assessee also furnished translated copy of certificate of registration. In the translated copy, the name of assessee is mentioned as "Surat City Journalist Welfare Nidhi, Surat". The Id. CIT(E) was of the view that the name mentioned in the certificate of registration is different with Charity Commissioner, then the certificate furnished by the assessee. The Id. CIT(E) was further of the view that the assessee has not furnished required details. In absence of requisite details, the verification of object of trust and its activities could not be verified. The Id. CIT(A) while rejecting the application of assessee held under Section 12AB makes it clear that before granting registration, he has to satisfy himself about genuineness of the activities of the trust and to verify that activities are in consonance with object of the trust or institution. 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 and the learned Commissioner of Income Tax- Departmental Representative (Id. CIT-DR) for the revenue. The Id. AR of the assessee submits that the assessee furnished complete details while filing/uploading required details at the time of filing of application. The Id. AR of the assessee submits that they have furnished copy of trust deed, registration of trust deed with Assistant Charity Commissioner, Surat bearing registration No. F/380/Surat. Same registration number is mentioned in all evidences furnished by the assessee. In all financial statement evidencing its activities the same number is reflected. The Id. AR of the assessee submits that due to different nomenclature by virtue of translation, name of assessee trust being "*Shri Surat Shafer Patrakar Kalyan Nidhi*" was translated as "*Surat City Journalist Welfare Nidhi, Surat*". There is no change in the name of assessee trust rather due to mismatch of name in the translated version, the Id. CIT(E) rejected the application instead of considering it in a broad way. The Id. AR of the assessee submits that he has filed copy of PAN card of assessee, registration certificate with Assistant Charity Commissioner, Surat having registration No. F/380/Surat. The assessee is filing its return of income in the name of Shri Surat Shafer Patrakar Kalyan Nidhi. The audited financial statement also mentioned the registration number and the

name of assessee trust. The trust deed also clearly mentioned the name of assessee trust. The Id. AR of the assessee submits that the application of assessee was rejected in a mechanical way without seeking any clarification or explanation from the assessee. The Id. AR of the assessee submits that the assessee has fulfilled all the conditions and appeal of assessee may be allowed.

4. In alternative submission, the Id. AR of the assessee submits that the matter may be restored back to the file of Id. CIT(E) with direction to consider the application of assessee afresh and to pass the order in accordance with law.
5. On the other hand, the Id. CIT-DR for the revenue submits that there was a mismatch in various documents. Some where it is mentioned Shri Surat Shaher Patrakar Kalyan Nidhi whereas in the translated documents, the name was changed. The name cannot be changed in a translated form and due to mismatch, the application of assessee was rejected. The object and activities of the assessee was not verified by the Id. CIT(E). The Id. CIT-DR submits that in case, if the Bench of view that the assessee deserve any relief, the matter may be restored back to the file of Id. CIT(E) to examine the object of assessee and genuinenity of the activities undertaken by the assessee trust and to examine any other requirement, if the assessee fulfills such condition.

6. We have considered the submissions of both the parties and have gone through the order of Id. CIT(E) carefully. We find that the Id. CIT(E) in para 7 of his order, has accepted that the assessee has filed/ attached/uploaded trust deed and details regarding the registration with Charity Commissioner with translated copy. The Id. CIT(E) was of the view that there is a mismatch in the name of assessee in the translated copy of registration certificate, the name of assessee is mentioned as "*Surat City Journalist Welfare Nidhi, Surat*" whereas the name of assessee is "*Shri Surat Shaher Patrakar Kalyan Nidhi*". We find that such mistake is appeared due to change of language from Hindi to English otherwise the registration number and the object of assessee are not in dispute. Considering the fact that there is no change in the name of assessee and the change in the name is only because of translation. In our view, the name mentioned in a translated form is not fatal, therefore, we deem it appropriate to restore the issue back to the file of Id. CIT(E) reconsider the registration of assessee under Section 12AB of the act afresh and pass order in accordance with law. 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. The assessee is also directed to file/furnish necessary information if so desired including by correcting

the name in of trust in the translated copy of registration certificate in the same manner as mentioned in his registration certificate with Charity Commissioner. In the result, grounds of assessee's appeal is allowed for statistical purposes.

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

Order pronounced on 14/07/2023 in open court.

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

Sd/-  
**(PAWAN SINGH)**  
**JUDICIAL MEMBER**

Surat, Dated: 14/07/2023

*\*Ranjan*

Copy to:

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

By Order

Sr. Private Secretary, ITAT Surat