

आयकर अपीलीय अधिकरण न्यायपीठ नागपुर में।
IN THE INCOME TAX APPELLATE TRIBUNAL,
NAGPUR BENCH : : NAGPUR

[VIRTUAL HEARING AT PUNE]

BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.7/NAG/2020

निर्धारण वर्ष / Assessment Year : -

M/s.Prayas Bahudeshiya Samajik Sanstha, 246/247, Trikoni Maidan, Hanuman Nagar, Medical Road, Nagpur – 440009. PAN: AAFAP 2641 G	Vs	The CIT Exemption, Pune.
Appellant / Assessee		Respondent / Revenue

Assessee by	Shri Kapil Hirani – CA
Revenue by	Shri Kailash Kanojiya – Sr.DR
Date of hearing	31/08/2023
Date of pronouncement	12/09/2023

आदेश/ ORDER

PER DR. DIPAK P. RIPOTE, AM:

This is an appeal filed by the Assessee against the order of Id.Commissioner of Income Tax(Exemption), Pune rejecting the assessee's application for registration under section 12AA(1)(b)(ii) of the Income Tax Act, 1961 dated 29.11.2019.

The assessee has raised the following grounds of appeal :

“1. Whether on the facts and circumstances of the case the CIT(Exemptions), Pune was justified in rejecting the application of

registration of trust u/s 12AA(1)(b)(ii) of the Income Tax Act, 1961.

2. Whether the rejection order passed by the CIT Exemptions, Pune on the basis of perverse fact finding is illegal and bad in law.

3. The Appellant craves leave to add or alter any other ground that may be taken at the time of hearing.”

Submission of Id.AR :

2. The Id.AR vehemently submitted that order of the Id.CIT(E) is bad in law as Id.CIT(E) has not considered the submission filed by the assessee. The Id.CIT(E) has not discussed the objects of the Trust and rejected the application on frivolous grounds. The Id.AR submitted that assessee has uploaded all the details on the website. However, the Id.CIT(E) has not considered the submission of the assessee.

Submission of Id.DR :

3. The Id.DR for the Revenue relied on the order of Id.CIT(E).

Findings & Analysis :

4. The Id.CIT(E) in para 4 has stated as under :

“4. Considering the above facts, it is seen that the applicant has not furnished the requisite details on the ITBA portal fully or complied to the notice dated 23-05-2019 to process the application for granting registration u/s 12AA of the Income Tax Act, 1961. Therefore, I am not satisfied about the charitable nature of objects as well as the genuineness of activities of the trust / institution and hence, the request for grant of registration u/s 12AA of the Income-tax Act, 1961 cannot be accepted.”

5. Thus, the ld.CIT(E) has rejected the application of the assessee only on the ground that details were not furnished. However, in para 2 of the order, the ld.CIT(E) has stated that assessee had submitted partial details. Thus, it is a fact that assessee had submitted some details, however, the ld.CIT(E) has not discussed what all the details were submitted by the assessee. Without discussing the details filed by assessee, ld.CIT(E) merely rejected the application of the assessee. At the time of registration, ld.CIT(E) has to give a categorical finding whether the objects, activities of the assessee are charitable as per section 2(15) of the Act or not! In this case, the assessee is registered under Bombay Public Trust Act on 15.12.2014. Thus, assessee is in existence since 2014. The ld.CIT(E) is the head for exemption unit. It means, he could have easily verified whether assessee filed Return of Income or not! However, without verifying anything, ld.CIT(E) has rejected the application of the assessee.

6. In these facts and circumstances of the case, we set-aside the order to ld.CIT(E) for denovo adjudication. The ld.CIT(E) shall provide opportunity to the assessee.

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

Order pronounced in the open Court on 12th Sept. 2023.

Sd/-
(S.S.GODARA)
JUDICIAL MEMBER

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 12th September, 2023/ SGR*

आदेश की प्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर बेंच,
नागपुर/ DR, ITAT, Bench, Nagpur.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे/ITAT, Pune.