

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

BEFORE SHRI R.S. SYAL, HON. VICE PRESIDENT &
SHRI PARTHA SARATHI CHAUDHURY, HON. JUDICIAL MEMBER

ITA No.1192/PUN/2023

Ahmednagar Cancer Soccity, A/P Flot No. 102, Riyatej Apartment, TP No. 04, Fularimala Savedi, Ahmednagar -414003 PAN: AAETA 9466 E	vs	CIT (Exemption), Pune.
Appellant		Respondent

Assessee by	:	None
Revenue by	:	Shri Nitin Waghmore, CIT DR
Date of hearing	:	22/12/2023
Date of pronouncement	:	22/12/2023

ORDER

Per PARTHA SARATHI CHAUDHURY, JM:

This appeal preferred by the assessee emanates from the order of Commissioner of Income Tax (Exemption), Pune (for short, 'CIT(E)'), dated 27.09.2023 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 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 and materials/documents available on record were considered and the case was heard on merits.

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 6, the Id. CIT(E) mentions that assessee had not furnished any clarification/justification on the issues raised vide show-cause notice dated 04/09/2023, hence, presumed that assessee has nothing to say further in the matter. Therefore, at para 7, Id.CIT(E) held that it was not possible to arrive at satisfactory conclusion about the genuineness of the activities and compliance of requirements of any other law for the time being in force by the trust/institution, 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 u/sec. 12A 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 final 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 stands allowed for statistical purpose.

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

Order pronounced in open Court on 22nd December, 2023.

Sd/-
(R.S. SYAL)
VICE PRESIDENT

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Dated : 22nd December, 2023

vr/-

Copy to :

1. The Appellant.
2. The Respondent.
3. The CIT(Exemption), Pune.
5. The DR, ITAT, "A" Bench Pune.
6. Guard File.

By Order

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Senior Private Secretary
ITAT, Pune.