

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'ए', अहमदाबाद ।
IN THE INCOME TAX APPELLATE TRIBUNAL
" A " BENCH, AHMEDABAD

BEFORE MS. SUCHITRA KAMBLE, JUDICIAL MEMBER
AND
SHRI WASEEM AHMED, ACCOUNTANT MEMBER

1. ITA No.384/Ahd/2023
2. ITA No.385/Ahd/2023
(Assessment Year : N.A.)

Shikshapatri Pracharak Ane Charitable Trust 202, Sashwat Apartment Suncity South Bopal Ahmedabad - 380 058 (Gujarat) PAN: ABBTS 6061 K	Vs	The CIT (Exemption) Ahmedabad
अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)
Assessee by :		Shri Prakash D. Shah, AR
Revenue by :		Shri Akhilendra Pratap Yadaw, CIT-DR

सुनवाई की तारीख/Date of Hearing : 07/02/2024
घोषणा की तारीख /Date of Pronouncement: 14/02/2024

आदेश/ORDER

PER MS. SUCHITRA KAMBLE, JUDICIAL MEMBER

These two appeals are filed by the Assessee against the separate orders dated 22/03/2023 & 23/03/2023 in ITA Nos.384/Ahd/2023 & 385/Ahd/2023 respectively passed by the Commissioner of Income-tax (Exemption), Ahmedabad ["CIT(E)" in short] in respect of order(s) u/s.12AB and 80G of the Income Tax Act, 1961 (hereinafter referred to as "the Act"). Since the issues are inter-connected, these appeals were heard together and are being disposed of by this consolidated order for the sake of convenience.

2. Grounds of appeal(s) are as under:

ITA No.384/Ahd/2023

1. *On the facts and circumstances of the case and in law, the learned CIT (E), Ahmedabad erred in rejecting the application filed by the Appellant in Form No. 10AB for the registration of the trust u/s 12AB of Income Tax Act, 1961 by passing the order in Form 10AD dated 22.03.2023.*

2. *On the facts and circumstances of the case and in law, the learned CIT (E), Ahmedabad erred in not appreciating that the Appellant had made elaborate submissions on all the points raised in the notice issued by the CIT, and hence if any information was lacking, the CIT (E) should have granted an opportunity to the Appellant before rejecting the application for registration.*

ITA No.385/Ahd/2023

1. *On the facts and circumstances of the case and in law, the learned CIT, Ahmedabad erred in rejecting the application filed by the Appellant in Form No. 10AB for the registration u/s 80G(5) of the Income Tax Act, 1961 by passing the order dated 23.03.2023 in Form 10AD.*

3. The assessee has filed application for registration u/s.12AB of the Act on 29/09/2022 in Form No.10AB under Rule 17A of Income Tax Rules, 1962 as well as application u/s.80G(5) of the Income Tax Act, 1961.

4. The brief facts of the case are that the assessee is a Charitable trust and the trust was created on 28/01/2021 and the registration with Charity Commissioner on 10/03/2021. The Trust was granted provisional registration on 31/08/2021. The application filed by the assessee in Form No.10AB for registration of Trust u/s.12AB of the Act. The CIT(E) issued notice dated 08/12/2022 and sought information on as many as 25 points. The assessee filed a detailed letter giving information of all queries on 02/01/2023. However, the CIT(E) passed order dated 22/03/2023 rejecting the application for registration. The CIT(E) observed that the assessee-trust has commenced its activities from 10/03/2021 but the assessee filed its

annual accounts for Financial Year 2021-22 and not submitted the accounts for FY 2020-21; i.e. a short period of 20 days in FY 2020-21. The CIT(E) also observed that in spite of specific requisitions, the assessee-trust has not submitted the requisite details and therefore no verification of the objects as per the constitution/deed with the activities could be carried out and thus the genuineness of the activities does not get established, due to non-compliance by the assessee. The CIT(E) also rejected the assessee's application u/s.80G(g) of the Act vide order dated 22/03/2023 thereby observing that the assessee-trust does not have any valid order for registration in Form No. 10AB u/s.12A(1)(ac)(iii) of the I.T. 1961, Act.

5. Being aggrieved by the order passed by the CIT(E) u/s.12AB and section 80G of the Act, the assessee filed these two appeals.

6. The Ld.AR submitted that the assessee was not given proper opportunity to file the details for the financials. In fact, only short period of 20 days were granted to the assessee and more particularly for FY 2020-21, the activities of the assessee-trust was not fully operational. The Ld.AR submitted that the matter may be remanded back to the file of the CIT(E) for proper verification of the objects of the Trust. The assessee is a charitable trust and providing relief to the poor as well as providing educational and medical relief to the society.

7. The Ld.DR relied upon the orders of the CIT(E).

8. We have heard both the parties and perused all the relevant material available on record. It is pertinent to note that from the perusal of the

records, it is found that the assessee-trust has filed the objects and the same was not taken into account by the CIT(E). Besides, whether the financial obligations were conducted in FY 2020-21 was not properly verified by the CIT(E). Hence, the rejection of assessee's applications were not justified and, therefore, to verify these aspects, we remand back the issues to the file of the CIT(E) for proper adjudication and verification as per Income Tax Statute. Needless to say, the assessee be given opportunity of hearing by following principles of natural justice. Thus, both the appeals of the assessee are partly allowed for statistical purposes.

9. In the result, both the appeals of the assessee are partly allowed for statistical purposes.

Order pronounced in the Court on 14th February,2024 at Ahmedabad.

Sd/-
(WASEEM AHMED)
ACCOUNTANT MEMBER

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Ahmedabad, Dated 14/02/2024

टी.सी.नायर, व.नि.स./T.C. NAIR, Sr. PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील)/ The CIT(E)-Ahmedabad
5. विभागीय प्रतिनिधि,आयकर अपीलीय अधिकरण ,/DR,ITAT, Ahmedabad,
6. गार्ड फाईल /Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण, ITAT, Ahmedabad