

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH: BANGALORE**

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER
AND
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

ITA No.190/Bang/2024
Assessment Year: 2023-24

Tejas International Educational Institutions No.111 & 112, Near Horticultural University, Navanagar-587 103 Karnataka PAN NO : AAFCT4522L	Vs.	CIT(Exemption) Bangalore
APPELLANT		RESPONDENT

Appellant by	:	Sri Rajan T.S., A.R.
Respondent by	:	Sri Sunil Kumar Agarwal, D.R.

Date of Hearing	:	15.04.2024
Date of Pronouncement	:	17.04.2024

O R D E R

PER SOUNDARARAJAN K., JUDICIAL MEMBER:

This appeal by the assessee is directed against the order of CIT(Exemption) dated 12.1.2024 in which the CIT (Exemptions) rejected the application filed by the assessee in Form 10B for granting permanent registration u/s 12AA of the Income Tax Act, 1961 (in short “The Act”).

2. The assessee is a Section 8 Company that was set up on 13th July, 2012 and got registration u/s 12AA of the Act on 26.9.2018. Later on, the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions), Act, 2020 (“The Relaxation Act”) inserted a new clause (ac) in sub-section (1) of section 12A of the Act w.e.f. 1.4.2021. Therefore, the assessee applied for fresh registration in Form 10A and the provisional registration was granted on 31.5.2021 in Form 10AC

for the period from 2022-23 to 2026-27 by the Id. PCIT/CIT. Thereafter, as per the provisions of section 12AB of the Act, assessee applied before the CIT(Exemptions) for getting permanent registration and submitted Form 10AB on 18.7.2023.

3. The Id. A.R. submitted that the section 12AB of the Act clearly stated that the application for permanent registration should be filed atleast 6 months before the expiry of provisional registration or 6 months from the commencement of Charitable activities, whichever is earlier. Relying on the said provisions, the assessee filed form No.10AB for getting permanent registration. He submitted that the Id. CIT(Exemptions) without considering the provisions including the amendment made to section 12A of the Act in which a new clause (ac) was inserted under subsection (1) of section 12A of the Act had rejected the application as redundant. He further submitted that the assessee filed a petition on 26.12.2023 seeking for an adjournment before the CIT(Exemptions) for the notice issued by him on 13.12.2023 before passing the order on 12.1.2024. The Id. A.R. for the assessee contended that the institution was closed for Christmas Holidays upto 25.12.2024 and therefore sought for one more opportunity, but unfortunately, the CIT(Exemptions) had not considered the petition for adjournment and decided the issue ex-parte. Therefore, the assessee sought for an opportunity to appear before the Id. CIT(Exemptions) with all the relevant documents in order to get the permanent registration u/s 12AB of the Act.

4. We have heard the rival submissions and perused the materials available on record. Admittedly, the assessee had sent a petition on 26.12.2023 through online which was not considered by the Id. CIT (Exemptions) before passing the impugned order on 12.1.2024. Therefore, in the interest of justice, one more opportunity is to be granted to the assessee to appear before Id. CIT (Exemptions) with the records and to satisfy him that the permanent registration is to be granted. We, therefore, set aside the order of Id. CIT

(Exemptions) dated 12.1.2024 and remit the matter to his file to decide the issue afresh after giving one more opportunity of being heard and pass orders in accordance with law. It is also made clear that the assessee can produce the necessary records/documents before the CIT(Exemptions) in support of his claim while appearing before the CIT(Exemptions).

5. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open court on 17th Apr, 2024

Sd/-
(Chandra Poojari)
Accountant Member

Sd/-
(Soundararajan K.)
Judicial Member

Bangalore,
Dated 17th Apr, 2024.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

Asst. Registrar,
ITAT, Bangalore