

IN THE INCOME TAX APPELLATE TRIBUNAL KOLKATA 'C' BENCH, KOLKATA

**BEFORE SHRI RAJESH KUMAR, HON'BLE ACCOUNTANT MEMBER
AND SHRI SONJOY SARMA, HON'BLE JUDICIAL MEMBER**

ITA No.322/Ko1/2024

IAC Research Foundation 5A, Woodburn Park Road, 3 rd Floor, Woodburn Central, Kolkata-700020. PAN: AAFCI 1989 L	vs	CIT (Exemptions), Kolkata
(Appellant)		(Respondent)

Present for:

Assessee by : Smt. Sharin Nessa, AR

Revenue by : Shri Manish Kanojia, CIT, DR

Date of Hearing : 09.05.2024

Date of Pronouncement : 14.05.2024

ORDER

PER SONJOY SARMA: JM

The present appeal filed by the assessee is directed against the order passed by Id. Commissioner of Income-tax (Exemption), Kolkata [in short Id. CIT (Exemption)] in relation to denying registration applied u/s 80G(5)(iii) of the Income Tax Act, 1961 (in brevity the 'Act') dated 11.02.2024.

2. At the outset, Id. Counsel for the assessee stated before the bench that the assessee is a trust and filed application for approval of trust u/s 80G(5)(iii) of the Act electronically on 22.08.2023 in Form 10AB under Rule 17A of the Income Tax Rules, 1962. However, the extended due date for filing of such application in Form 10AB was extended upto 30.09.2022 as per CBDT Circular No. 8/22 dated 31.03.2022. As the present assessee could not file such application within the extended due date as per CBDT Circular, the claim of the assessee was rejected.

3. Aggrieved by the above order assessee is in appeal before this Tribunal. However, in the intervening time CBDT has recently issued a Circular bearing No. 7/24 by which extended the benefit of due date for filing Form 10A/10AB upto 03.06.2024 by stating in para 4.1 of the said Circular as under:

“4.1. Further, in cases where any trust, institution or fund has already made an application in Form No. 10AB and where the Principal Commissioner or Commissioner has passed an order rejecting such application on or before the issuance of this Circular, solely on account of the fact that the application was furnished after the due date or that the application has been furnished under the wrong section code, it may furnish a fresh application in Form No. 10AB within the extended time provided in paragraph 3(ii) i.e. 30.06.2024.”

4. In view of the above Circular issued by CBDT, ld. AR prayed before the bench to allow her to withdraw the appeal since the matter became infructuous.

5. On the other hand, ld. DR was fair enough not to object to such prayer made by ld. AR before this bench.

6. After hearing the submission of both the parties and perusing the material available on record, we allow the prayer made by the assessee to withdraw the instant appeals.

7. In the result the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 14.05.2024.

Sd/-
(RAJESH KUMAR)
ACCOUNTANT MEMBER

Sd/-
(SONJOY SARMA)
JUDICIAL MEMBER

Copy to:

1. The Appellant: IAC Research Foundation.
2. The Respondent: CIT (Exemptions), Kolkata.
3. The CIT, Concerned,
4. The CIT (A) Concerned,
5. The DR Concerned Bench

//True Copy//

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata