

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'D' BENCH, CHENNAI
श्री एसएस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. Nos.785 & 786/Chny/2024

WCCG Aalam Foundation,
ASN Oasis No. 250A, 10th Main Road,
Ram Nagar, Pallikaranai, Medavakkam,
Kanchipuram 600 100.

Vs. The Commissioner of
Income Tax (Exemption),
Aayakar Bhawan – Annexe Building,
No. 121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

[PAN: AAATW6601R]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri B. Ramakrishnan, CA
प्रत्यर्थी की ओर से/Respondent by : Shri A. Sasikumar, CIT
सुनवाई की तारीख/ Date of hearing : 22.05.2024
घोषणा की तारीख /Date of Pronouncement : 22.05.2024

आदेश /O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

Both the appeals by the assessee are directed against separate orders both dated 25.01.2024 passed by the Id. Commissioner of Income Tax (Exemption), Chennai in rejecting Form No. 10AB under section 12(1)(AC)(iii) seeking registration under section 12AB of the Income Tax Act, 1961 ["Act" in short] in ITA No. 785/Chny/2024 as well as rejecting Form No. 10AB towards seeking approval under clause (iii) of first proviso to section 80G(5) of the Act in ITA No. 786/Chny/2024.

2. The assessee has filed on-line applications on 12.07.2023 in Form No. 10AB under section 12(1)(AC)(iii) seeking registration under section 12AB of the Act as well as seeking approval under section 80G of the Act. The Id. CIT(E) issued a letter dated 15.12.2023 requesting the assessee to furnish certain certified copies of documents including Note on activities and annual accounts/financial statements of the institution. On perusal of the details furnished by the assessee, the Id. CIT(E) has noted in Form 10AB that one of the objects of the assessee in Column 5 is religious, whereas, in Column 3 the assessee has declared the nature of activities as "Charitable Trust. As the assessee cannot apply for seeking registration of Charitable Trust with religious objects, the assessee was asked to show-cause as to why its application dated 12.07.2023 in Form No. 10AB should not be rejected. In response to the above show-cause notice, the assessee filed reply on 19.01.2024 explaining that while filing Form 10AB, in Column 5, due to clerical error, they have included "Religious" as one of the objects of the trust and expressed its apology for the mistake and prayed for grant of registration under section 12AB of the Act as well as grant of approval under section 80G of the Act. However, since the processing of application and granting of registration are carried in ITBA and there is no functionality available in the system to change the nature of trust other than applied in the application filed in Form 10AB, the

Id. CIT(E) has rejected the application of the assessee in seeking registration under section 12AB of the Act as well as grant of approval under section 80G of the Act.

3. Heard both parties and perused the material available on record. The Id. AR Shri B. Ramakrishnan, CA has submitted that while filing the application in Form 10AB in Column 5, due to clerical error, the assessee has included "Religious" as one of the objects of the trust and also submitted that the mistake was not deliberate, without any intention. He further submitted that due to the inadvertent mistake, the assessee trust cannot be deprived of granting registration under section 12AB of the Act as well as grant of approval under section 80G of the Act. The Id. DR Shri A. Sasikumar, CIT has supported the order passed by the Id. CIT(E). We find the reason rendered by the Id. CIT(E) for rejecting Form 10AB for having no functionality to change the objects in the application Form other than applied in the application filed, it that be so, the assessee is at liberty to file new application in terms of CBDT Circular issued extending the time limit upto 30.06.2024, which enables the assessee to change nature of trust as "Charitable Trust". Thus, the grounds raised by the assessee in both the appeals become infructuous.

4. In the result, both the appeals filed by the assessee are dismissed as infructuous.

Order pronounced in the open Court on 22nd May, 2024 at Chennai.

Sd/-
(JAGADISH)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 22.05.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.