



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER
AND
MANISH AGARWAL, ACCOUNTANT MEMBER**

ITA No.159/CTK/2024
Assessment Year : 2022-23

Income Tax Officer (Exemptions), Bhubaneswar	Vs.	Navodaya Trust, Plot No.1881(3 and 4), Infront of BPCL Petrol Pump, Chandrasekharapur, Bhubaneswar
PAN/GIR No.AAAATN 2553 M		
(Appellant)	..	(Respondent)

Assessee by : Shri S.K.Sarangji, CA
Revenue by : Shri Sanjay Kumar, CIT DR

Date of Hearing : 03/06/2024
Date of Pronouncement : 03/06/2024

ORDER

Per Bench

This is an appeal filed by the revenue against the order of the Id Addl/JCIT(A)-1, Vadodara dated 19.1.2024 in Appeal No.NFAC/2021-22/10235479 for the assessment year 2022-23.

2. Brief facts of the case are that the assessee has filed its return of income on 2.11.2022, which was processed u/s.143(1) of the Act dated 4.4.2023, wherein, exemption claimed by the assessee u/s.11 has been denied and the gross receipts has been taxed. Against this, the assessee

had preferred appeal before the Id CIT(A), who vide his order dated 19.1.2024 has allowed the exemption claimed by the assessee. Being aggrieved, the revenue is in appeal before us.

3. Before us, Id CIT DR supported the order of the Assessing Officer and submitted that the return was filed late as the due date for filing the return was 31.10.2022 and the return of income was filed on 2.11.2022 alongwith Form 10B of the Act. Therefore, the assessee is not entitled to claim exemption allowed to it u/s.12A of the Act.

4. Per contra, Id AR of the assessee stated that CBDT vide its circular No.20/2022 dated 26.10.2022 has extended the time limit for filing the return of income from 31.10.22 to 7.11.2022 and furnished copy of the CBDT Circular, which is available in paper book at Page-1. He submitted that since the due date of filing of return was already extended and the return of income has been filed within the due date, therefore, the assessee is eligible for exemption available to it. He further drew our attention to page 1 of the intimation u/s.143(1) of the Act, wherein, it is mentioned against Item extended due date is 7.11.2022 and the date of filing is 2.11.2022. Thus, he requested to confirm the order of the Id CIT(A) in allowing the exemption to the assessee.

5. We have considered the rival submissions and perused the record of the case. On perusal of CBDT circular No.20/2022(supra) we find that the

date of filing of return u/s.139(1) of the Act was extended upto 7.11.2022 for the assessment year 2022-23. In the instant case, the assessee has filed its return of income alongwith Form 10B on 2.11.2022, which is within the time limited prescribed u/s.139(1) of the Act and also within the extended time limit by CBDT. Therefore, we are in agreement with the observations of Id CIT(A) that the assessee is entitled for exemption u/s.12A of the Act and reject the grounds of appeal raised by the revenue.

6. In the result, appeal of the revenue stands dismissed.

Order dictated and pronounced in the open court on 03/06/2024.

SD/-
(George Mathan)
JUDICIAL MEMBER

Cuttack; Dated 03/06/2024
B.K.Parida, SPS (OS)

Copy of the Order forwarded to :

1. The Appellant : Income Tax Officer
(Exemptions), Bhubaneswar
2. The Respondent: Navodaya Trust,
Plot No.1881(3 and 4), Infront of BPCL
Petrol Pump, Chandrasekharpur,
Bhubaneswar
3. The Addl.JCIT(A)-1, Vadodara
4. Pr.CIT, Bhubaneswar
5. DR, ITAT,
6. Guard file.
//True Copy//

SD/-
(Manish Agarwal)
ACCOUNTANT MEMBER

By order

Sr.Pvt.secretary
ITAT, Cuttack