

**IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD “A” BENCH, AHMEDABAD**

**BEFORE Ms. SUCHITRA KAMBLE, JUDICIAL MEMBER AND
SHRI NARENDRA PRASAD SINHA, ACCOUNTANT MEMBER**

ITA No.146/Ahd/2024

Sakshamdev Charitable Foundation 10, Giridharnagar Society, Atmajyoti Ashram Road, Vadodara- 390023 Gujarat. [PAN – ABJCS2291L	Vs.	Commissioner of Income Tax (Exemption), Ahmedabad.
(Appellant)		(Respondent)
Assessee by	Shri Samir Parikh, AR	
Revenue by	Shri Arvind Kumar, CIT (DR)	
Date of Hearing	04.06.2024	
Date of Pronouncement	07.06.2024	

ORDER

PER SHRI NARENDRA PRASAD SINHA, AM:

The present appeal is filed by the applicant trust against the order dated 28.11.2023 passed by the Commissioner of Income Tax (Exemption) Ahmedabad, (in short ‘the CIT(Exemption)’), rejecting the application for approval u/s. 80G(5)(iii) of the Income Tax Act, 1961 (hereinafter referred to as ‘the Act’).

2. The application for approval of the Trust under clause (iii) of first Proviso to Sub-Section (5) of Section 80G of the Income Tax Act, 1961 was received in Form No.10AB electronically by the CIT(Exemption) and as per the data available in ITBA the same was filed on 30.05.2023. The Id. CIT(Exemption) observed that the assessee had got provisional approval u/s 80G(5) of the Act and, therefore, was required to file application in Form

10AB within the time period of at least six months prior to the expiry of the period of provisional approval or within six months of commencement of its activities, whichever was earlier. The CIT(Exemption) noticed that the assessee trust was incorporated on 23/08/2022 and provisional approval was issued to the trust on 16/11/2022. As the present application was filed belatedly by the assessee the CIT(Exemption) issued notice on 06.10.2023 calling for an explanation of the assessee in this regard. In reply dated 25/10/2023 the assessee had submitted that the activities of the trust was started in January, 2023 but no explanation for the delay in filing the present application was given. The CIT(Exemption) has observed that from the accounts for F.Y.2022-23 it was evident the activities of the firm had started long back on 08/11/2022 and the applicant trust was required to file the application in Form 10AB on or before 08/05/2023. As the present application was filed belatedly on 30.05.2023 in Form No.10AB under Section 80G(5) of the Act, the same was rejected by the Id. CIT(Exemption) as non-maintainable.

3. The Ld. AR submitted that the CBDT vide Circular no.7/2024 has extended the time limit for making application for approval of exemption under Section 80G(5) of the Act till 30.06.2024. Therefore, the applicant trust may be allowed to make the application as per the said Circular and the present appeal be disposed of with the said liberty granting to the applicant trust.

4. The Ld. DR relied upon the order of the Id. CIT(Exemption).

5. We have heard both the parties and perused all the relevant material available on record. We are of the opinion that the Id. CIT(Exemption) was not correct in rejecting this application for a delay of few days only. However, it is pertinent to note that the CBDT vide recent Circular No.7/2024 dated 25th April, 2024, has allowed another opportunity for grant

of approval u/s. 80G(5)(iii) of the Act by extending time limit for filing the application in Form No. 10AB till 30.06.2024. The assessee has also submitted that it will exercise the option of filing new application for registration within this extended time limit. Thus, the present appeal filed in respect of dismissal of the application filed by the assessee under Section 80G(5) of the Act has to be taken inconsonance with the latest Circular No.7/2024 issued by the CBDT dated 25th April, 2024. Since the time limit for application is extended till 30.06.2024, we are hereby granting the liberty to the assessee to make the appropriate application within the stipulated time issued by the CBDT and, therefore, the present appeal is treated as infructuous and dismissed accordingly.

6. In the result, appeal of the assessee is dismissed with the liberty as mentioned in para-5 hereinabove.

Order pronounced in the open Court on this 7th June, 2024.

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Ahmedabad : Dated 07/06/2024

आदेशकीप्रतिलिपिअग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

Sd/-

(NARENDRA PRASAD SINHA)
ACCOUNTANT MEMBER

By order/आदेशसे,

उप/सहायकपंजीकार
आयकरअपीलीयअधिकरण,
अहमदाबाद