

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

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER
AND
SHRI KESHAV DUBEY, JUDICIAL MEMBER**

ITA Nos.883 & 884/Bang/2024
Assessment Years: NA

Sri Rama Charitable Trust 775/A, Sri Rama Charitable Trust BEML Layout 3 Rd Stage R.R. Nagar Bangalore Karnataka 560 098 PAN NO : ABCTS9853Q	Vs.	CIT(Exemptions) Bangalore
APPELLANT		RESPONDENT

Appellant by	:	Sri Harsha K.M., A.R.
Respondent by	:	Ms. Neera Malhotra, D.R.

Date of Hearing	:	10.06.2024
Date of Pronouncement	:	10.06.2024

O R D E R

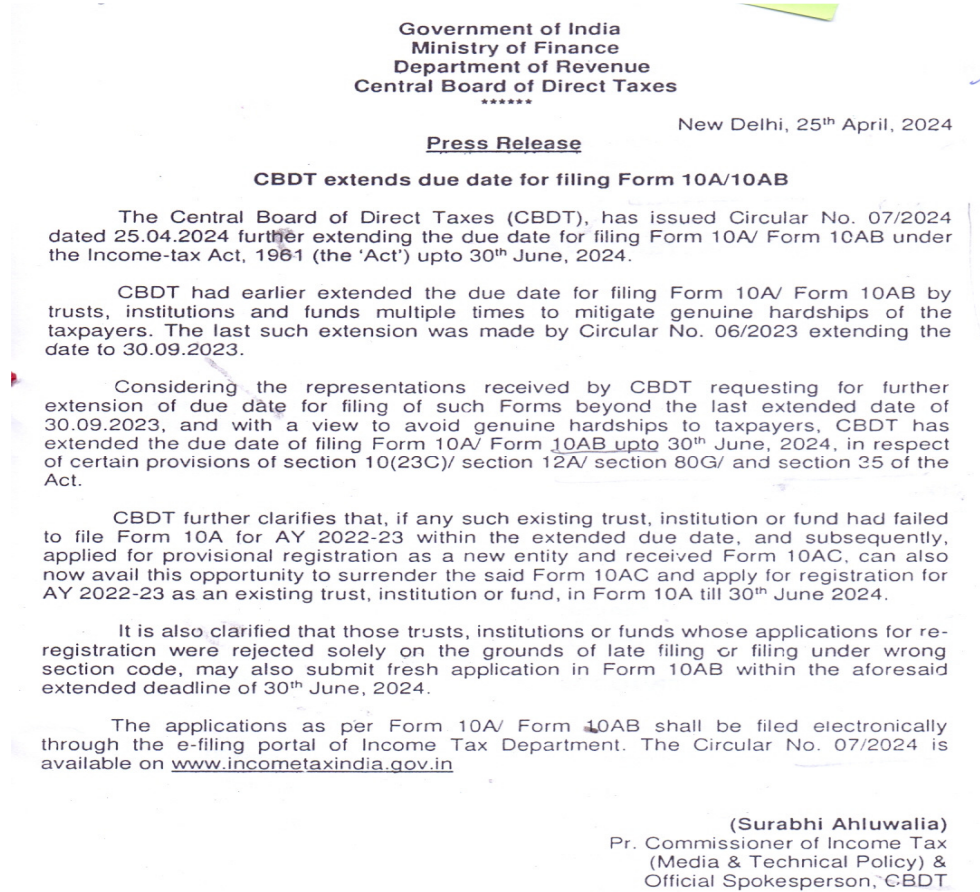
PER CHANDRA POOJARI, ACCOUNTANT MEMBER:

These two appeals by assessee are directed against two different orders of NFAC both are dated 2.4.2024.

2. In these appeals, the NFAC has not condoned the delay in filing the Form No.10AB dated 30.10.2023 for granting approval u/s 12A & 80G of the Income Tax Act, 1961 (in short “The Act”) on the reason that said application for approval ought to have been filed by the assessee atleast 6 months prior to expiry of the period of the provisional approval or within 6 months of commencement of its activity, which is earlier. However, in this case, the assessee filed belatedly before ld. CIT(Exemptions), Bangalore. In this case, it was noted by the ld. CIT(Exemptions) that assessee ought to have been filed the application by 30.9.2023. The application was made on

30.10.2023. Hence, it was dismissed. Against this assessee is in appeal before us.

3. After hearing both the parties, we are of the opinion that there was a delay in filing the application for approval u/s 12A/80G of the Act. However, that delay was condoned by CBDT vide Circular No.7/2024 dated 25.4.2024, which is reproduced below:



3.1 Being so, it is appropriate to remit this issue to the file of CIT(Exemptions) to consider the above Circular. In view of this, we remit the entire issue in dispute to the file of Id. CIT (Exemptions) for fresh consideration to decide the same in accordance with law.

4. In the result, both the appeals of the assessee are partly allowed for statistical purposes.

Order pronounced in the open court on 10th June, 2024

Sd/-
(Keshav Dubey)
Judicial Member

Sd/-
(Chandra Poojari)
Accountant Member

Bangalore,
Dated 10th June, 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.