

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

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

ITA No.1167/Ahd/2024

Sayama Kelavani Mandal At- Sayama Tal: Khambat Anand -388170 Gujarat. [PAN – AAEAD5508C	Vs.	Commissioner of Income Tax (Exemption), Ahmedabad.
(Appellant)		(Respondent)
Assessee by	Shri Mehul K Patel, AR	
Revenue by	Dr. Darsi Suman Ratnam, CIT-DR	
Date of Hearing	21.06.2024	
Date of Pronouncement	25.06.2024	

ORDER

PER SHRI NARENDRA PRASAD SINHA, AM:

The present appeal is filed by the applicant trust against the order dated 26/09/2023 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’). There was delay of 186 days in filing of this appeal and an affidavit has been filed explaining the reason for delay. Considering the reason as explained, the delay is condoned.

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 24.03.2023. 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 23/08/2001 and provisional approval was issued to the trust on 24/03/2023. As the present application was filed belatedly by the assessee the CIT (Exemption) issued notice on 03/08/2023 calling for an explanation of the assessee in this regard. There was no response to the said notice and no explanation for the delay in filing the present application was given. The CIT (Exemption) has observed that the applicant trust was required to file the application in Form 10AB on or before 30/09/2022. As the present application was filed belatedly 24/03/2023 in Form No.10AB under Section 80G(5) of the Act, the same was rejected by the Id. CIT(Exemption) as non-maintainable. The Id. CIT (Exemption) also observed that the application of the assessee for registration u/s 12A of the Act was also rejected vide order dated 19/09/2023 and thus there was no valid registration, which was a pre-requisite for grant of approval u/s 80G of the Act.

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 set aside to the file of the CIT (Exemption) for reconsideration of the matter. The Ld. AR submitted that apart from delay in filing of application, the details as called for by the CIT (Exemption) were not filed and for this reason the appeal requires to be set aside.

4. The Ld. DR relied upon the order of the Id. CIT (Exemption) and submitted that the appeal needs to be dismissed.

5. We have heard both the parties and perused all the relevant material available on record. 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. Further, the time limit for making application u/s 12A of the Act for registration has also been extended till 30th June, 2024. It is found that the CIT (Exemption) had rejected the application of the assessee mainly for the reason that there was a delay in filing the application in Form 10AB and the provisional approval was also cancelled without going into the merits. Since the time limit for filing of applications has been extended by the CBDT vide referred Circular till 30th June, 2024, the assessee has another opportunity to file the application and, therefore, the present appeal has become infructuous. The assessee has now 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 25th June, 2024.

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Sd/-

(NARENDRA PRASAD SINHA)
ACCOUNTANT MEMBER

Ahmedabad : Dated 25/06/2024

आदेश की प्रतिलिपि ढ ग्रेषित / Copy of Order Forwarded to:-

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

By order/आदेश से,
उप/सहायक पंजीकार
आयकर अपीलूय अधिकरण, अहमदाबाद