

आयकर अपीलीय अधिकरण, बी, न्यायपीठ,चेन्नई  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH, CHENNAI**

माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य एवं  
श्री एस.आर. रघुनाथा, लेखा सदस्य के समक्ष

**BEFORE HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND  
SHRI S.R. RAGHUNATHA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: 932/CHNY/2024

Sadiq Charitable Trust,  
No.37, Sembudoss Street,  
George Town,  
Chennai 600 001.

Vs. The Commissioner of Income Tax,  
Exemption Ward,  
Chennai.

**PAN: AAFTS 2315F**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : None  
प्रत्यर्थी की ओर से/Respondent by : Shri. V. Nandakumar, IRS, CIT.

सुनवाई की तारीख/Date of Hearing : 24.06.2024  
घोषणा की तारीख/Date of Pronouncement : 26.06.2024

**आदेश /O R D E R**

**PER MANU KUMAR GIRI (Judicial Member)**

The captioned appeal has been filed by the assessee against the order of the Id. Commissioner of Income Tax (Exemptions), Chennai dated 10.11.2023 challenging rejection of its application filed on 07.09.2023 in Form No. 10AB u/s 12A(1)(ac)(iii) of the Income Tax Act ('Act' in short)for non-compliance. The assessee is in further appeal before us.

2. At the outset, it is noticed that the appeal filed by the assessee is barred by limitation by 152 days. The member of assessee trust has filed affidavit along with condonation petition stating the following reasons:

*“6. That we were totally unaware of the rejection order passed by CIT(A), as the order was issued through mail, was dropped in the spam folder and unintentionally got deleted. The same was brought to our attention only when our Chartered accountant logged into the portal during the month of march 2024 to check registration validity and to review Annual information statement while conducting audit for the Fy 2023- 24. And moreover, we neither aware of the brass tacks of the income tax nor have we delved deep into the income tax mazes/labyrinth, which have been undergoing drastic changes frequently, especially provisions relating charitable institutions.*

*7. That since becoming aware of our rights, we have taken earnest steps to file the appeal against the rejection order without wasting time.*

*8. That the delay in filing appeal was neither intentional nor deliberate but was occasioned by causes beyond our control”.*

We find the cause as reasonable and hence, condone the delay and admit the appeal.

3. Before us, none appeared for the assessee. From the record, it emerges that the assessee trust filed an application dated 07.09.2023 in Form No. 10AB u/s 12A(1)(ac)(iii) of the Income Tax Act. We find from the grounds filed with Form 36, the assessee got the knowledge of purported notice 11.08.2023 when assessee's Chartered Accountant logged into the portal to check the registration validity and review Annual information statement while conducting audit for the FY 2023-24 hence assessee prayed for an opportunity of hearing before the Ld.CIT(E). The Id.DR relied on the impugned order.

4. We have heard the submissions of Id.DR, perused the record, impugned order. It is an undisputed fact on record that the notice dated 11.08.2023 was uploaded by the Id.CIT (E) on the e-filing/ITBA portal.

5. It is a matter of admitted fact that the appellant had filed an application for registration u/s 12A(1)(ac)(iii) in Form No. 10AB on 29.03.2023 before CIT(E), Chennai. However, the CIT(E) passed the order under Form 10AD rejecting the application filed in Form 10AB due to non-compliance of the notices as per para 7 of the impugned order. Para 7 of impugned order is as under:

*"7. As the applicant has failed to fulfil the statutory requirements inspite of affording reasonable opportunity, its application in Form No. 10AB dated 29.03.2023 seeking registration u/s.12AB of the I.T. Act, 1961 is rejected for non-compliance. However, no adverse inference is drawn against existing and valid registration, if any, as per law u/s. 12AB".*

6. It is seen that the application for final registration under form 10AB was filed on 29.03.2023 and was getting barred by limitation on 30.09.2023. However, the Id.CIT(E) decided the application only by providing opportunity as per the order sheet dated 11.08.2023at the fag end of limitation.

7. In our considered view, the Ld.CIT(E) should have given proper and adequate opportunity to the assessee keeping in mind the principles of natural justice.

8. Accordingly, we set aside and restore the application u/s 12AB back to the file of the Ld.CIT(E) with a direction to send notices on the assessee through registered email ID, eportal or as per provisions of the Act and pass speaking order after giving adequate opportunity to the assessee as per law. Thus, the matter is restored to the CIT(E), Chennai.

09. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 26th June, 2024 at Chennai.

Sd/-

एस.आर. रघुनाथा  
(S.R. RAGHUNATHA)

लेखा सदस्य/ ACCOUNTANT MEMBER

Sd/-

(मनु कुमार गिरि)  
(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER

चेन्नई/Chennai,

दिनांक/Dated, the 26th June, 2024

**KV**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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