

**IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "A", PUNE**

**BEFORE SHRI R. K. PANDA, VICE PRESIDENT  
AND  
MS ASTHA CHANDRA, JUDICIAL MEMBER**

**ITA No.534/PUN/2024**

Shri Ayyappa Swami Seva Sangh, S.No.66, Sachai Mata Nagar, Katraj, Pune – 411046	<b>Vs.</b>	CIT (Exemptions), Pune
<b>PAN: AAGTS4011H</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by : Shri Kishor B. Phadke  
Department by : Shri Keyur Patel  
Date of hearing : 15-07-2024  
Date of pronouncement : 19-07-2024

**ORDER**

**PER R.K. PANDA, VP :**

This appeal filed by the assessee is directed against the order dated 09.02.2024 passed by the CIT(E), Pune rejecting the application made u/s. 12AA(1)(ac) of the Income Tax Act, 1961.

2. Facts of the case in brief, are that the assessee filed an application in Form No. 10AB under clause (iii) of section 12A(1)(ac) of the Income tax Act, 1961 on 30/09/2023. In order to verify the genuineness of the activities of the assessee and compliance to requirements of any other law for the time being in force by the trust/institution, a notice was issued through ITBA portal on 23.11.2023 requesting the assessee to upload certain information as per para 2 of the order of the CIT (E).

The assessee in response to the same submitted certain details based on which the ld. CIT(E) noted that there are still certain discrepancies which assessee has to clarify. He, therefore, issued another letter on 25.01.2024 communicating the discrepancies and asked the assessee to file its submissions on 01.02.2024. Since, the assessee did not furnish any explanation regarding the discrepancies communicated by the CIT(E), he presumed that the assessee has nothing to say in this matter. He, therefore, rejected the claim for grant of registration and also rejected the provisional registration granted earlier.

3. Aggrieved with such order of the CIT(E) the assessee filed an appeal before the Tribunal by raising the following grounds.

- “1. *The learned CIT-Exemptions, erred in law and on facts in rejecting the appellant’s application made u/s 12A(1)(ac)(iii) of the IT Act, 1961.*
2. *The appellant contends that better opportunity of being heard could have been granted to the appellant so as to explain the objects and activities carried out by the appellant and documents submitted in support of the same.*
3. *The learned CIT-Exemptions, erred in law and on facts, in not granting sufficient opportunity of being heard to the appellant and thereby not following principles of natural justice.*
4. *The learned CIT-Exemptions erred in law and on facts in rejecting the appellant’s application for registration u/s12A of the IT Act, 1961, alleging that the appellant has not submitted authenticated copy of trust deed bearing the seal of Charity Commissioner for verification. The learned CIT-Exemptions failed to appreciate that the said original documents were already uploaded on the IT Portal.*
5. *The learned CIT-Exemptions erred in law and on facts in rejecting the appellant’s application for registration u/s 12A of the IT Act, 1961, stating that the appellant has not submitted the specific date wise proofs of the activities along with details of beneficiaries. The*

*learned CIT-Exemptions ought to have appreciated the fact that the appellant is a trust which is running a temple and is carrying out the activities for public at large.*

6. *The appellant craves leave to add/modify/ amend/ delete all / any of the grounds of appeal.”*

4. Ld. Counsel for the assessee, at the outset drew the attention of the bench to the request for adjournment, wherein it was stated that the details called for by the CIT(E) will take at least 15 days for compilation. He submitted that despite the adjournment application filed by the assessee seeking adjournment of the case, the ld. CIT(E) has rejected the claim of registration. He accordingly submitted that the matter may be restored to the file of ld.CIT(E) with a direction to give an opportunity to the assessee to substantiate its case.

5. Ld. DR on the other hand heavily relied on the order of the ld.CIT(E).

6. We have heard the rival arguments made by both the sides and perused the record. It is an admitted fact that the ld. CIT(E) has issued a letter to the assessee on 25.01.2024, wherein certain discrepancies were duly communicated to the assessee and the assessee was requested to make the compliance on 01.02.2024. It is also an admitted fact that the assessee sought an adjournment on the ground that the various details as called for the CIT(E) will take some time for compilation. We find despite the adjournment application, which was duly acknowledged by the department, the ld.CIT(E) rejected the application on the ground that the assessee has nothing to say in the matter. Considering the totality of the facts of the case and in the interest of the justice we deem it proper to restore the issue to the file of the

Id.CIT(E) with the direction to grant one more opportunity to the assessee to substantiate its case by filing the requisite details. The CIT(E) shall decide the issue as per the facts and law after giving due opportunity of being heard to the assessee. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purposes.

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

Order pronounced in the open Court on 19<sup>th</sup> July, 2024.

Sd/-

(ASTHA CHANDRA)  
JUDICIAL MEMBER

Sd/-

(R. K. PANDA)  
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 19<sup>th</sup> July, 2024

*Ashwini*

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order is forwarded to:**

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. DR, ITAT, 'A' Bench, Pune
4. गार्ड फाईल / Guard file.

**आदेशानुसार/ BY ORDER,**

**// True Copy //**

Senior Private Secretary  
आयकर अपीलीय अधिकरण ,पुणे  
/ ITAT, Pune

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	15.07.2024		Sr. PS/PS
2	Draft placed before author	16.07.2024		Sr. PS/PS
3	Draft proposed & placed before the Second Member	19.07.2024		JM/AM
4	Draft discussed/approved by Second Member	19.07.2024		AM/AM
5	Approved Draft comes to the Sr. PS/PS	19.07.2024		Sr. PS/PS
6	Kept for pronouncement on	19.07.2024		Sr. PS/PS
7	Date of uploading of Order	19.07.2024		Sr. PS/PS
8	File sent to Bench Clerk			Sr. PS/PS
9	Date on which the file goes to the Head Clerk			
10	Date on which file goes to the A.R.			
11	Date of Dispatch of order			