

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री एसएस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री एस.आर. रगुनाथा, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri S.R. Raghunatha, Accountant Member

आयकर अपील सं./I.T.A. No.1456/Chny/2024

Foundation For Guindy Indl Estate
Maintenance & Infrastructure
Upgradation, R.V. Tower, No. 10,
G.S.T. Road, Thiru-Vika Industrial
Estate, Guindy, Chennai 600 032.

Vs. The Commissioner of Income Tax
(Exemption),
Chennai 600 034.

[PAN: AAFCF0213Q]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri N.V. Balaji, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri R. Clement Ramesh Kumar, CIT
सुनवाई की तारीख/ Date of hearing : 22.07.2024
घोषणा की तारीख /Date of Pronouncement : 26.07.2024

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 09.04.2024 passed by the Id. Commissioner of Income Tax (Exemption), Chennai under section 12A(1)(ac)(ii) of the Income Tax Act, 1961 ["Act" in short] in rejecting the application filed in Form No. 10AB and cancelling the provisional approval granted vide order dated 12.08.2022.

2. The Ld. CIT(E) rejected the application filed on 04.10.2023 in Form No. 10AB under section 12A(1)(ac)(ii) of the Act on the ground that the assessee failed to comply with the notice dated 23.03.2024 issued for filing relevant documents/details and its clarification on or before 30.04.2024.

3. By filing an affidavit explaining the reasons for not complying with the notice issued by the Id. CIT(E) dated 23.03.2024, the Id. AR Shri N.V. Balaji, Advocate submits that all the details were already available before the Id. CIT(E) for consideration of the application filed in Form AB under section 12A(1)(ac)(ii) of the Act. The Id. AR further submitted that the assessee is ready to furnish all the details if the Tribunal afford an opportunity and prayed to remand the matter to the file of the Id. CIT(E) for consideration.

4. The Id. DR Shri R. Clement Ramesh Kumar, CIT relied on the order of the Id. CIT(E).

5. As discussed above, we note that the assessee was prevented by reasonable cause as explained in the duly notarized affidavit for not complying with the notice issued by the Id. CIT(E) dated 23.03.2024 in filing relevant documents/details and its clarification on or before

30.04.2024 and thus, the order of the Id. CIT(E) is set aside. Since the Id. AR prayed to afford an opportunity to furnish complete details as may be required by the Id. CIT(E), we deem it proper in the interest of justice to remand the matter back to the file of the Id. CIT(E) for his consideration afresh. The assessee is also directed to furnish relevant details as may be required by the Id. CIT(E) in order to consider the application filed in Form 10AB. Thus, grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced on 26th July, 2024 at Chennai.

Sd/-
(S.R. RAGHUNATHA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 26.07.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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