



।आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणेमें।
IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "B" :: PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL
MEMBER AND
DR.DIPAK P. RIPOTE, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA Nos.695, 696 & 697/PUN/2024
निर्धारण वर्ष / Assessment Years: 2018-19, 2020-21

Regal Education Society, 104, Swami Complex, Bazarpeth, Chiplun, Ratnagiri, Maharashtra – 415605. PAN: AABTR5097B	V s	The Income Tax Officer(Exemptions), Kolhapur.
Appellant		Respondent

Assessee by	None.
Revenue by	Shri Sourabh nayak – Addl.CIT(DR)
Date of hearing	30/07/2024
Date of pronouncement	30/07/2024

आदेश/ ORDER

PER DR. DIPAK P. RIPOTE, AM:

These three appeals filed by the assessee are directed against the separate orders of Id.Commissioner of Income Tax(Appeals), all dated 04.03.2024 passed u/sec.250 of the Act for A.Y.2018-19 & A.Y.2020-21. The assessee in ITA No.695/PUN/2024 has raised the following grounds of appeal :

1. *On the facts and circumstances of the case and in law the Ld. CIT(A) erred in dismissing the appeal due to delay in filing without considering the case on merits.*



2. *On the facts and circumstances of the case and in law the CIT(A), NFAC erred in confirming the action of the AO of denying exemption u/s 11 and consequent lev of penalty u/s 270A, not accepting the alternate contentions of the appellant in respect of:*

- a. *Its income being exempt u/s 10(23C)(iiiad)*
- b. *Only net commercial income is taxable in its hands*
- c. *Maximum Marginal Rate is not applicable in its case*

The appellant craves leave to add to, amend, alter, delete or modify all or any of the above ground of appeal or raise a new ground of appeal before or at the time of hearing.

2. At the time of hearing, none appeared on behalf of the assessee. On earlier occasion i.e.11.07.2024, ld.AR had filed an adjournment petition and accordingly, case was adjourned to 30.07.2024 i.e. today. Again, ld.AR filed an adjournment petition stating that he was traveling out of Pune. However, we find that adjournment petition is not-maintainable as on earlier occasion i.e. 11.07.2024, the case was adjourned to 30.07.2024 at the request of ld.AR. Therefore, we rejected the adjournment petition dated 29.07.2024.

2.1 We heard ld.DR for the Revenue and perused the records.

Findings & Analysis:

3. All these appeals heard together. In all these appeals the ld.CIT(A) had dismissed appeal of the assessee on account of delay.

3.1 In ITA No.695/PUN/2024 and ITA No.696/PUN/2024 there was a delay in filing appeal before ld.CIT(A) of 379 days after excluding the Covid-19 period.

3.2 There is a delay of 179 days before ld.CIT(A) for Assessment Year 2020-21.

3.3 The ld.CIT(A) dismissed these appeals only on one ground that there was no sufficient cause for delay.

3.4 As per Form No.35 filed by the assessee, assessee had filed an application for condonation of delay along with Affidavit before the ld.CIT(A). It has been pleaded by the assessee that there was dispute between the trustees. Therefore, appeal could not be filed in time before the ld.CIT(A).

3.5 For A.Y.2018-19, it is observed that in the assessment order, the AO has held as under :



“As per provisions of section 115BBC as the voluntary contribution other than corpus in the instant case for A.Y.2018-19 WAS Rs 21342421/-, five percent of the same i.e. Rs 10,67,121/- is being allowed as anonymous donation and the rest (Rs 2,02,75,300) is taxed at the maximum marginal rate.”

4. The assessee had filed elaborate submission before the Id.CIT(A) along with copy of Income and Expenditure Account, copy of Registration Certificate u/sec.12A of the Act, copy of Registration under Bombay Public Trust Act. In the submission, assessee has stated as under:

“4. It is clear from the above Income and Expenditure Account that the appellant society has not received any donations during the year. The entire receipts consist of:

<i>a.</i>	<i>Fees from students</i>	<i>Rs.2,01,29,032</i>
<i>b.</i>	<i>Bank Interest</i>	<i>Rs. 4,56,129</i>
	<i>Total</i>	<i>Rs.2,05,85,161</i>

5. We have perused the copy of the Income and Expenditure Account filed by the assessee which is at page 27 of the paper book. The Balance Sheet at the page 28 of the paper book. Apparently, there is no donation appearing in Income & Expenditure Account and Balance Sheet. It has been submitted by the assessee, assessee is running following education institutions :

- “1. Regal College of Computer Education, Kankavali*
- 2. Regal College of Hotel Management and Tourism, Chiplun*



3. *Regal College of Hotel Management and Tourism, Kankavali.*
4. *IGNOU, Chiplun*
5. *Regal College of ITI, Mahad.*
6. *Regal College of Technology, Lanja*
7. *Regal College of Technology, Mahad.*
8. *Regal Education Society, Chiplun.*
9. *Regal Public School, Chiplun.*
10. *Regal Junior College of Arts, Science and Commerce.*
11. *Regal College of Hotel Management and Tourism, Solapur.*
12. *Regal College of Hotel Management and Tourism, Lanja.”*

5.1 In these facts and circumstances, we are of the opinion that if delay is not condoned by the ld.CIT(A), there will be grave injustice to the assessee. Therefore, we are of the opinion that there was sufficient cause for filing appeal before the ld.CIT(A) beyond the statutory time limit for A.Y.2018-19. Similarly, for A.Y.2020-21, there was sufficient cause for filing the appeal before the ld.CIT(A) beyond the statutory time limit. Therefore, we direct the ld.CIT(A) to condone the delay. Hence, we set-aside all these three appeals to the ld.CIT(A) for denovo adjudication. The ld.CIT(A) shall give opportunity of hearing to the assessee. Accordingly, grounds of appeal raised in all three appeals of the assessee are allowed for statistical purpose.



6. In the result, three appeals of the assessee in ITA Nos.695, 696 & 697/PUN/2024 are allowed for statistical purpose.

Order pronounced in the open Court on 30th July, 2024.

Sd/-
(S.S.GODARA)
JUDICIAL MEMBER

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 30th July, 2024/ SGR*

आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच,
पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

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