

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH 'B', PUNE

BEFORE SHRI INTURI RAMA RAO, JUDICIAL MEMBER
AND
MS. ASTHA CHANDRA, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.1144/PUN/2023

Vasundhara Bahuddeshiya Samajik Sanstha
Vasundhara Madhav Nagar,
Khamgaon – 444 303, Maharashtra
PAN : AADTV6377J

.....अपीलार्थी / Appellant

बनाम / V/s.

The CIT(Exemption),
Pune

.....प्रत्यर्थी / Respondent

Assessee by : Shri Abhishek Kumar (Virtual)
Revenue by : Shri Ajay Kumar Keshari

सुनवाई की तारीख / Date of Hearing : 24.07.2024

घोषणा की तारीख / Date of Pronouncement : 07.08.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the appellant trust directed against the order of the CIT Exemption, Pune dt. 20.09.2023 denying grant of registration u/s.12AB of the Income-tax Act, 1961 (hereinafter also called 'the Act').

2. Brief facts of the case are that the appellant is a Trust, filed application in Form No.10AB on 16.03.2023 seeking registration under clause (iii) of section 12A(1)(ac) of the Act. On receipt of the said application, the Id. CIT (Exemptions), in order to verify the genuineness of activities of the appellant trust and compliance to requirements of any other law, issued notice through ITBA portal on 12.07.2023 calling for certain information/clarification. The appellant trust furnished reply on

24.07.2023. Thereafter, a show cause notice dated 07.08.2023 was issued to the appellant trust pointing out certain discrepancies in the information so furnished. The appellant trust also furnished its reply on 14.08.2023. However, the contentions put forth by the appellant trust were not acceptable to the Id. CIT(Exemptions), therefore, rejected the application filed by the appellant trust for grant of registration u/s.12AB, cancelling the provisional registration granted on 23.06.2022.

3. Being aggrieved, the appellant trust is in appeal before the Tribunal in the present appeal.

4. We heard the rival submissions and perused the material on record. We had carefully gone through the impugned order and find that the Id. CIT(Exemptions) while rejecting the application for grant of regular registration u/s.12AB of the Act had travelled beyond the scope of examination of the issues which are required to be taken into consideration. The provisions of Explanation to sub-section (4)(a) of section 12AB read as under :

*“Explanation.—*For the purposes of this sub-section, the following shall mean "specified violation",—

(a) where any income derived from property held under trust, wholly or in part for charitable or religious purposes, has been applied, other than for the objects of the trust or institution; or

(b) the trust or institution has income from profits and gains of business which is not incidental to the attainment of its objectives or separate books of account are not maintained by such trust or institution in respect of the business which is incidental to the attainment of its objectives; or

(c) the trust or institution has applied any part of its income from the property held under a trust for private religious purposes, which does not enure for the benefit of the public; or

(d) the trust or institution established for charitable purpose created or established after the commencement of this Act, has applied any part of its income for the benefit of any particular religious community or caste; or

(e) any activity being carried out by the trust or institution,—

(i) is not genuine; or

(ii) is not being carried out in accordance with all or any of the conditions subject to which it was registered; or

(f) the trust or institution has not complied with the requirement of any other law, as referred to in item (B) of sub-clause (i) of clause (b) of sub-section (1), and the order,

direction or decree, by whatever name called, holding that such non-compliance has occurred, has either not been disputed or has attained finality ⁷⁰[; or]

[(g) the application referred to in clause (ac) of sub-section (1) of section 12A is not complete or it contains false or incorrect information.]”

The issues pointed out by the Id. CIT(Exemptions) does not fall in any of the above violations. Therefore, in the interest of justice, we remit the matter to the file of CIT(Exemptions) for denovo disposal of the application in accordance with law after affording due opportunity of hearing to the appellant trust. Thus, the appeal filed by the appellant trust stands partly allowed.

5. In the result, the appeal filed by the appellant trust is partly allowed.

Order pronounced in the open court on 07th August, 2024.

Sd/-
ASTHA CHANDRA
JUDICIAL MEMBER

Sd/-
INTURI RAMA RAO
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 07th August, 2024

Satish

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The Pr.CIT concerned
4. DR, ITAT, 'B' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार / BY ORDER,

//सत्यापित प्रति// True Copy//

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune