

**आयकर अपीलीय अधिकरण, कटक न्यायापीठ, कटक**

**IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK**

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER  
AND**

**SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**आयकर अपील सं/ITA No.10/CTK/2024**

**(निर्धारण वर्ष / Assessment Year : 2017-2018)**

Asha Memorial Trust, Plot No.01, Satya Nagar, Near Central School, Bhubaneswar-751007	Vs	ACIT(Exemption Circle) Bhubaneswar
<b>PAN No. :AABTA 3463 G</b>		

<b>(अपीलार्थी /Appellant)</b>	..	<b>(प्रत्यर्थी / Respondent)</b>
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<b>निर्धारिती की ओर से /Assessee by</b>	:	Shri P.K.Mishra, Advocate
<b>राजस्व की ओर से /Revenue by</b>	:	Shri S.C.Mohanty, Sr. DR
<b>सुनवाई की तारीख / Date of Hearing</b>	:	05/08/2024
<b>घोषणा की तारीख/Date of Pronouncement</b>	:	05/08/2024

**आदेश / O R D E R**

**Per Bench :**

This is an appeal filed by the assessee against the order dated 23.11.2023, passed by the CIT(A), National Faceless Appeal Centre (NFAC), Delhi, passed in I.T.Appeal No.ITBA/NFAC/S/250/2023-24/1058186245(1), for the assessment year 2017-2018.

2. It was submitted by the Id. AR that the assessee is a charitable trust having registration u/s.12A of the Act. It was the submission that the assessee is running an educational institution under the name and style as "Kalinga Bharati Residential College". It was the submission that the return filed by the assessee came to be processed and an addition of Rs.53 lakhs was made alleging the same to be anonymous donations. It was submitted before the AO that the donations had been brought by the Chairman of the assessee trust; the source from which the Chairman

brought the funds was not known to the assessee. The donation was recorded in the name of the Chairman in the books of the assessee trust. The Chairman of the assessee trust had committed suicide on 17.05.2017. It was the submission that the donations having been received from the Chairman, just because the source of the funds from which the Chairman had brought the funds was not known to the assessee, the same would not be anonymous donations in the hands of the assessee. The Id. AR has placed before us the copy of ledger account in the case of Janaki Ballava Padhi (deceased Chairman), wherein the receipts are shown to have been through bank account of Punjab National Bank and the receipts have been issued in the name of the deceased Chairman itself. The Id. AR has also placed before us the copy of the schedule forming the part of the income and expenditure accounts wherein under the head "other incomes", the donations of Rs.53 lakhs had been specifically shown. This amount has been applied for the activities of the trust and the income and expenditure accounts shows excess of expenditure over income to an extent of Rs.4,01,32,246/-. The AO has not doubted the application shown by the assessee trust. It was the submission that the addition has been made and the same has been brought to tax by applying the provisions of Section 115BBC of the Act as anonymous donations, when the donation itself was nor an anonymous donation, since the same was clearly from the deceased Chairman and also recorded in his name.

3. In reply, Id. Sr. DR submitted that the amount of Rs.53 lakhs was anonymous donations, insofar as the source of the donations in the hands of the Chairman of the assessee trust was not available. It was the submission that the order of the Id. CIT(A) and that of the Id. AO deserves to be upheld.

4. We have considered the rival submissions. A perusal of the ledger account clearly shows that the amount of Rs.53 lakhs has been received from the Chairman of the assessee trust. If at all the addition could have been made on account of non-availability of source, it could have been done only in the hands of the Chairman. As far as the assessee trust is concerned, the money has been received from the Chairman(now deceased), the same would not constitute anonymous donation within the provisions of Section 115BBC of the Act. This being so, as the donee to the assessee trust is categorically identified as the deceased Chairman and the receipts have been issued in the name of the Chairman, the amount of Rs.53 lakhs does not constitute anonymous funds and consequently the addition made by the AO and confirmed by the Id. CIT(A) stands deleted.

5. In the result, appeal of the assessee is allowed.

Order dictated and pronounced in the open court on 05/08/2024.

**Sd/-**  
**(MANISH AGARWAL)**

लेखा सदस्य/ ACCOUNTANT MEMBER

**Sd/-**  
**(GEORGE MATHAN)**

न्यायिक सदस्य / JUDICIAL MEMBER

कटक Cuttack; दिनांक Dated 05/08/2024

Prakash Kumar Mishra, Sr.P.S.

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

1. अपीलार्थी / The Appellant-  
Asha Memorial Trust,  
Plot No.01, Satya Nagar,  
Near Central School,  
Bhubaneswar-751007
2. प्रत्यर्थी / The Respondent-  
ACIT(Exemption Circle), Bhubaneswar
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR,  
ITAT, Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Assistant Registrar)  
आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack