



**IN THE INCOME TAX APPELLATE TRIBUNAL
LUCKNOW BENCH "B", LUCKNOW**

**BEFORE SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER AND
SHRI SUBHASH MALGURIA, JUDICIAL MEMBER**

ITA No.576/LKW/2016
(Assessment Year: N.A.)

Reham Foundation 153, Kandhari Lane behind Islamia College, Lalbagh, Lucknow G.P.O, Lucknow, Uttar Pradesh-226001.	v.	Commissioner of Income Tax (Exemptions) Lucknow-226010.
PAN:AACTR7194J		
(Appellant)		(Respondent)

Appellant by:	None		
Respondent by:	Sh. Manu Chaurasia, CIT(DR)		
Date of hearing:	12	09	2024
Date of pronouncement:	19	09	2024

ORDER

PER SUBHASH MALGURIA, J.M.:

The present appeal has been filed by the assessee challenging the impugned order dated 16/08/2016 passed by the learned Commissioner of Income Tax (Exemptions), Lucknow, [*learned CIT(E)*], rejecting the application for registration filed by the assessee under section 12AA of the Income Tax Act, 1961 (*the Act*), for the assessment year N.A.

2. In this appeal, the assessee has raised the following grounds: -

1. That learned Commissioner of Income Tax (Exemption), Lucknow erred in facts and in law in rejecting the application for registration under section 12AA of the Income Tax Act, 1961.

2. That learned Commissioner of Income Tax (Exemption), Lucknow erred in facts and in law by ignoring the Charitable objects of the applicant Trust and rejected the application on the ground of non-conduct activities, which would occur in future in due course of time.

3. That learned Commissioner of Income Tax (Exemption), Lucknow erred in facts and in law by trying to assess the genuineness of the activity of a new established trust which is in the process of establishing its activities in line with its charitable objects.

4. That learned Commissioner of Income Tax (Exemption), Lucknow erred in facts and in law by ignoring the books of accounts, bills and voucher furnished along with submission made in compliance to his letter No.F/No. Commissioner of Income Tax (Exemp)./LKO/12A/.2016-17/2008 dated 13/06/2016, on the date of hearing on 18/07/2016.”

3. None has appeared for the assessee despite issuance of notice through RPAD, which notice has not returned unserved. However, the finding that the matter can be decided in the absence of the assessee, we have decided to dispose of the appeal after hearing the Ld. DR and after perusing the materials available on record.

4. In the course of appellate proceedings in Income Tax Appellate Tribunal (ITAT), the assessee filed paper book containing the following particulars: -

Paper Book No. I

S.NO.	Particulars	Attachment
1	Brief facts of the case	I
2	Trust Deed dated 28/12/2015	II
3	Copy of acknowledgement of electronically filed Form 10A	III(A)
4	Copy of electronically filed Form 10G	III(B)
5	List of Trustees along with address, designation and PAN	IV(A)
6	Books of Accounts from the date of Incorporation (28/02/2015) till 31/01/2016	IV(B)
7	Notes on Activities of the Institution	IV(C)
8.	Submission with respect to fulfilment if the conditions as enumerated in section 80G(5)(i) to (v) of the Income Tax Act, 1961 (Refer	IV(D)
9.	Order of Commissioner of Income Tax (Exemption), Lucknow, dated 01/08/2016	V

Paper Book No. II

S.NO.	Particulars	Attachment
1	Judgement and Order dated 26.09.2019 passed by the Hon'ble Full Bench of Allahabad High Court in the case of Commissioner of Income Tax (Exemptions) v/s M/s. Reham Foundation in Income Tax Appeal no. 37 of 2017.	I
2	Judgement and Order dated 03. 12.2019 passed by the Hon'ble Allahabad High Court in the case of Commissioner of Income Tax (Exemptions) v/s M/s. Reham Foundation in Income Tax Appeal no. 37 of 2017 wherein the matter was remanded back to Hon'ble ITAT for consideration.	II
3	Order dated 30.01.2017 passed by Hon'ble ITAT Bench "B", Lucknow in the case of Reham Foundation v/s Commissioner of Income Tax (Exemptions) in ITA No. 576 & 575/LKW/2016.	III
4	Order dated 16.08.2016 passed by the Commissioner of Income Tax (Exemptions) rejecting the application for registration u/s 12AA of the Income Tax Act, 1961 in the present case	IV
5	Copy of Index of the Paper Book submitted before the Hon'ble ITAT Bench on 28.10.2016 for the present case.	V

S.NO.	Particulars	Attachment
1	Brief facts of the case	I
2	Trust Deed	II
3	Copy of acknowledgement of electronically filed Form 10A	III(A)
4	Copy of electronically filed form 10A	III(B)
5	List of Trustees	III(C)
6	Substantiation of facts, that the objects of the trust is charitable as per section 2(15) of the Income Tax Act, 1961	III(D)
7	Copy of electronically filed Form 10G along with acknowledgement	III(E)
8	Copy of letter No F/No. Commissioner of Income Tax (Exemp.)/ Lko/12A/2016-17/2008 dated 13-06-2016	IV(A)
9	Copy of Submission dated 18/07/2016	IV(B)
10	Copy of Supplementary Trust Deed, furnished as per our submission dated 16/08/2016.	IV(C)
11	Copy of Order passed by Commissioner of Income Tax (Exemption), Lucknow on 16/08/2016. u/s 12AA(i)(b(ii) of the Income Tax Act, 1961	IV(D)
12	Hardayal Charitable & Educational Trust v. Commissioner of Income Tax-II, Agra dated 15/03/2013 (32 Taxmann 341)	V(A)
13	Commissioner of Income-tax -II v. R.S. Bajaj Society dated 03/01/2014 (42 Taxmann 573)	V(B)
14	Director of Income-tax (Exemptions) Vs. Meenakshi Amma Endowment Trust, dated 10/11/2010 (40 Taxmann30)	V(C)
15	Director of Income-tax (Exemptions) Vs. Panna Lalbhai Foundation* dated 02/04/2013 (35 Taxmann 104)	V(D)
16	Shri Ganesh Sewa Samiti Vs CIT (Exemptions) dated 04/03/2016 (ITA No.672 & 673/Lkw/2015)	V(E)
17	CIT Vs National Institute of Aeronautical Engineering Educational Society	V(F)
18	Hon'ble Delhi High Court judgment of Kirti Chandra Tarawati Charitable Society VsDIT(Exemptions)	V(G)
19	Hon'bleITAT Lucknow bench order ITA No. 809/LKW/2014 dated 26.02.2015	V(H)

5. At the time of hearing before us, in the absence of any representation from the assessee's side, we have heard the Ld. CIT-DR for revenue. He relied on the order passed by the Ld. CIT(E).

6. On perusal of the impugned order dated 16/08/2016 of the Ld. CIT(E), we find that the Ld. CIT(E) rejected the application, alleging that the applicant failed to provide corroborating evidences leading to the satisfaction regarding genuineness of the charitable activities of the applicant. However, we find on perusal of the order of the Ld. CIT(E) that there is no mention of what books of accounts and what kind of supporting material were called for by the Ld. CIT(E). And also on perusal of the materials on record, we are of the view that the material on record are not sufficient for us to come at conclusion that the assessee's activities are, in fact, genuine. Therefore, we are of the view that

in this case further inquiry is required to establish the genuineness of the charitable activities of the assessee. In view of the foregoing and in the specific facts and circumstances of the present appeal before us, we set aside the impugned appellate order of the Ld. CIT(E) dated 16/08/2016; and we direct the Ld. CIT(E) to pass denovo order after due verification of fact and after reasonable opportunity to the applicant/assessee. This appeal is disposed off in accordance with aforesaid direction.

7. In the result, the appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open Court on 19/09/2024.

Sd/-
[ANADEE NATH MISSHRA]
ACCOUNTANT MEMBER

Sd/-
[SUBHASH MALGURIA]
JUDICIAL MEMBER

DATED:19/09/2024

Vijay Pal Singh, (Sr. PS)

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. DR
5. Guard file

//True Copy//

By order

Assistant Registrar