

आयकर अपीलीय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

M.A. No.58/Chny/2024
[In ITA No.1295/Chny/2023]
(निर्धारण वर्ष / Assessment Year: 2021-22)
&
ITA No.1295/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2021-22)

Income Tax Officer Exemption Ward-2 Chennai	बनम/ Vs.	Webbs Memorial Orphanage 41, Main Road, Saint Thomas Mount Chennai – 600 016
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AADTM-7709-H		
(आपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

आपीलार्थी की ओरसे/ Appellant by	:	Shri N.S. Phanidharan (JCIT) - Ld. DR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri P. Ranga Ramanujam (CA) – Ld. AR

सुनवाई की तारीख/Date of Hearing	:	20-09-2024
घोषणा की तारीख /Date of Pronouncement	:	20-09-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. By way of this miscellaneous application, the revenue seeks our indulgence in Tribunal order passed in captioned appeal on 10-05-2024. In the order, the bench granted exemption u/s 11 /12 to the assessee by condoning delay of 3 days in filing of Audit Report in Form No.10B. In the application, it has been submitted that as per extant CBDT Circulars, the

assessee was required to file condonation application before appropriate authority and the Tribunal has erred in condoning the delay. However, Ld. AR brought on record a fact that the assessee does not hold relevant registration for this year to lay claim on the aforesaid deduction u/s 11 / 12. Accordingly, Ld. AR fairly submitted that the order may be recalled. At the same time, Ld. AR pleaded that the income was to be computed on net basis after allowing expenditure. For the same, Ld. AR referred to newly introduced sub-section (10) in Sec.13 by Finance Bill, 2022 governing computation of income under these circumstances.

2. Considering the rival submissions, we recall Tribunal order passed in captioned appeal on 10-05-2024 and restore the appeal back to its original status. The application stand allowed.

3. With the consent of both the sides, the appeal was taken up for hearing and final disposal. Accepting the limited prayer of Ld. AR, we restore the issue of computation of income back to the file of Ld. CIT(A) with a direction to the assessee to substantiate its claim. For computation of income, guidance may be taken from newly introduced provisions as cited by Ld. AR. No other ground has been urged in the appeal. The appeal stand partly allowed for statistical purposes.

4. The misc. application stand allowed. The appeal stand partly allowed for statistical purposes.

Order pronounced on 20th September, 2024.

Sd/-
(MANU KUMAR GIRI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai; दिनांक Dated : 20-09-2024
DS

आदेश की प्रतिलिपि ढ ग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT Chennai.
4. विभागीय प्रतिनिधि/DR
5. गार्डफाईल/GF