

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Waseem Ahmed, Accountant Member and
Shri Soundararajan K., Judicial Member

ITA No. 170/Coch/2024

Veda Srourtha Gurukulam Narayanamangalath Mana Edappal, Malappuram 679576 [PAN: AADTV1960H]	vs.	Commissioner of income Tax (Exemption) Aayakar Bhavan, Old Rly. Station Road, Kochi 682018
(Appellant)		(Respondent)

Appellant by:	----- None -----
Respondent by:	Shri Sanjit Kumar Das, CIT-DR

Date of Hearing:	30.09.2024
Date of Pronouncement:	03.10.2024

ORDER

Per Bench

This appeal filed by the assessee is directed against the order of the Commissioner of Income Tax (Exemption), Kochi dated 15.01.2024 u/s 12A of Income Tax Act, 1961 (hereinafter "the Act").

2. When the appeal was called for hearing, none appeared on behalf of the assessee and there was also no adjournment application. Therefore, we proceed to hear the appeal exparte qua the assessee.

2.1 The only issue raised by the assessee is that the Commissioner of Income Tax (Exemption) erred in rejecting the registration application u/s. 12A of the Act.

3. At the outset, we note that the assessee has been denied registration u/s 12A of the Act by the Commissioner of Income Tax (Exemption) on the reasoning that the activities of the assessee are miniscule. Therefore, it is premature to grant registration u/s 12A of the Act.

4. Being aggrieved by the order of the Id. CIT(E), the assessee is in appeal before us.

5. The learned CIT-DR before us vehemently supported the order the Commissioner of Income Tax (Exemption).

6. We have heard the learned CIT-DR and perused the materials available on record. It is the admitted position that the Commissioner of Income Tax (Exemption) has to verify the activities of the trust to find out whether they are in consonance with the objects of the trust. But such a condition cannot be imposed in the case of fresh registration of a trust u/s 12A of the Act. It is for the reason that the assessee could commence its activities only after having a valid registration u/s 12A of the Act in an effective manner. Thus, we are not convinced with the basis adopted by the Id. Commissioner of Income Tax (Exemption) for rejecting the application u/s 12A of the Act. Furthermore, the Id. Commissioner of Income Tax (Exemption) has not pointed out any-flaw in the objects of the trust. Nevertheless, in the interest of justice and fair play, we restore the matter to the file of the Id. CIT(Exemption) for granting registration as per the provisions of law. Hence, the ground of appeal of the assessee is hereby allowed for statistical purposes.

7. In the result, appeal filed by the assessee is hereby allowed for statistical purposes.

Order pronounced on 03rd October, 2024 under Rule 34 of The Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(Soundararajan K.)
JudicialMember

Sd/-
(Waseem Ahmed)
AccountantMember

Cochin, Dated: 03rd October, 2024

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

Assistant Registrar
ITAT, Cochin