

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH “F”, MUMBAI
BEFORE SHRI. BR BASKARAN, ACCOUNTANT MEMBER
AND
SHRI. RAJ KUMAR CHAUHAN, JUDICIAL MEMBER
ITA NO. 2683/MUM/2024 (A.Y: 2024-25)**

Upgrad Foundation Upgrad Foundation, Nishuvi, Ground Floor, 75, Dr. Annie Besant Road, Worli, Mumbai – 400018. PAN: AADCU0758K	Vs. Commissioner of Income Tax (Exemption) Room No. 601, 6 th Floor, Cumbala Hill, MTNL TE Building, Pedder Road, Dr. Gopalrao Deshmukh Marg, Cumbala Hill, Mumbai – 400026.
(Appellant)	(Respondent)

Assessee Represented by	:	Shri. Jayesh Chobisa
Department Represented by	:	Shri. Solgy Jose T. Kottaram CIT DR.
Date of conclusion of Hearing	:	14.10.2024
Date of Pronouncement	:	14.10.2024

ORDER

PER RAJ KUMAR CHAUHAN (J.M.):

1. This appeal is filed by the appellant/assessee against the order dated 27.03.2024 of ITBA/EXM/F/EXM45/2023-24/1063477144(1), CIT (Exemptions), Mumbai [hereinafter referred to as the



“CIT(Exemptions)”), passed under section 250 of the Income Tax Act, 1961 [hereinafter referred to as “the Act”] for the A.Y. 2024-25.

2. The assessee is in appeal before us and has raised following grounds:

1. *“On the facts and circumstances of the case and in law, the Commissioner Income-tax (Exemptions), Mumbai (hereinafter referred to as "the CIT") erred in rejecting the application made by the appellant for registration u/s 12AB of the Income Tax Act 1961 (hereinafter referred to as "the Act"), without appreciating the fact that the appellant is carrying out charitable activities in accordance with the objects of the trust.*
2. *The CIT failed to appreciate that the exemption u/s 12AB can be denied only when the part of the income accrues to the benefit of the person mentioned u/s 13 of the Act and not when the payments have been made for availing services from the persons mentioned u/s 13 of the Act which are vital for carrying out the charitable activities by the appellant.*
3. *The CIT rejected the application made by the appellant without providing a show-cause notice before rejection which is against the principles of natural justice.”*

3. Assessee vide its letter dated 14.10.2024, prayed for withdrawal of appeal in ITA No. 2683/Mum/2024 for A.Y.2024-25. For the sake of convenience, we are reproducing the contents of the said Application as under: -

“With reference to above subject matter, we state that the hearing of the above referred appeal was fixed on 14.10.2024. However, we seek to withdraw the appeal as we are planning to restructure the existing arrangement and wish to apply for fresh registration after some-time.



In view of the above facts, we would request Hon'ble Members to withdraw the appeal and oblige. Inconvenience caused to Hon'ble Members is deeply regretted.”

4. In view of the application, we have heard the Ld. AR on behalf of the assessee and Ld. DR on behalf of the revenue. The Ld. DR has not raised any objection to the withdrawal of this appeal.
5. We find considerable cogency in the contentions of Assessee as aforesaid. Keeping in view of the facts and circumstances of the case, we accept the request of the assessee for withdrawal of the Appeal and accordingly, we dismiss the Appeal as withdrawn.
6. In the result, appeal filed by the assessee is dismissed as withdrawn.

Order pronounced in the open court on 14.10.2024

**Sd/-
(BR BASKARAN)
(ACCOUNTANT MEMBER)**

**Sd/-
(RAJ KUMAR CHAUHAN)
(JUDICIAL MEMBER)**

Mumbai / Dated 14.10.2024
Karishma J. Pawar, (Stenographer)

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent.
3. CIT



ITA No. 2683/Mum/2024
Upgrad Foundation; A.Y. 2024-25

4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER

(Asstt. Registrar)
ITAT, Mumbai