

IN THE INCOME TAX APPELLATE TRIBUNAL
"PATNABENCH"(VIRTUAL HEARING AT KOLKATA)

Shri Manish Borad, Accountant Member
Shri Sonjoy Sarma, Judicial Member

I.T.A. No.301/Pat/2024
Assessment Year: 2024-25

Shiksha AvamSwastha, Patna,

Flat 101, Kortha Residency, First Floor,
Chikohra, PS Gardanibagh,
PO- Anishabad - 800002
[PAN: ABBTS4341J]

.....**Appellant**

vs.

CIT (Exemption), Patna,

4th Floor, Lok Nayak Jain Prakash
Bhawan, Dak, Bunglow Road,
Bandar Bagicha - 800001

..... **Respondent**

Appearances by:

Assessee represented by : Abhi Sarkar, Advocate
Department represented by : Ashwani Kumar, Sr. DR

Date of concluding the hearing : July 10, 2024
Date of pronouncing the order : September 30, 2024

ORDER

Per Sonjoy Sarma, Judicial Member:

This appeal is filed by the assessee challenging the ex-parte order passed by the Ld. Commissioner of Income Tax (Exemption), Patna [in short "the Ld. CIT(E)], dated 02.03.2024, wherein the assessee's application for regular registration under sub clause (iii) of clause (ac) of sub-section (1) of section 12A read with section 12AB(1)(b) of the Act and provisional registration granted u/s 12A(1)(ac) (vi) in Form No. 10AC dated

30.10.2021 for the assessment years 2022-23 to 2024-25 was also cancelled.

2. At the time of hearing, the Ld. AR submitted that the assessee could not properly attend the proceedings before the Ld. CIT(E) due to significant health challenges faced by the trustee responsible for managing the matters. Consequently, the necessary details and supporting documents required by the Ld. CIT(E) could not be submitted which led to rejection of application for regular registration and cancellation of provisional registration. The Ld. AR prayed for the matter to be remanded back to the Ld. CIT(E) for re-adjudication, assuring full cooperation and compliance with the requisite notices and documents in future proceedings.

3. On the other hand, the Ld. DR opposed the request, arguing that the assessee was given several opportunities to represent its case, but despite the chances, the assessee failed to comply or appear before the Ld. CIT(E). The Ld. DR, therefore, supported the order passed by the Ld. CIT(E) and objected to remanding the matter back.

4. We have heard both the parties and perusing the material available on record, we find that the order passed by the Ld. CIT(E) was an ex parte order due to non-compliance of the assessee. However, considering the health issues of the trustee and in the interest of justice, we believe that the assessee deserves another opportunity to present its case. The principle of natural justice demands that the matter be examined on its merit after allowing the assessee an opportunity to submit the necessary documents and explanation. In view of the above, we set aside the order passed by the Ld. CIT(E) for proper adjudication. The Ld. CIT(E) direct the re-examination of the application for regular registration u/s 12AB(1)(b) of

the Act after providing a reasonable opportunity of being heard to the assessee. The assessee is also directed to diligently comply with the notice issued by the Ld. CIT(E) and furnished all relevant documents to substantiate its claim for such registration. In the event that the assessee failed to comply with notice or does not furnish the necessary documents, the Ld. CIT(E) shall be liberty to pass appropriate order passed on the material available. In conclusion the appeal of the assessee is allowed for statistical purposes and the matter is remand back to the file of Ld. CIT(E) for fresh adjudication. In terms of the above, appeal of the assessee is allowed for statistical purposes.

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

Kolkata, the30th September, 2024.

Sd/-
[Manish Borad]
Accountant Member

Sd/-
[Sonjoy Sarma]
Judicial Member

Dated: 30.09.2024.
AK, PS

Copy of the order forwarded to:

1. Shiksha AvamSwastha, Patna
2. CIT (Exemption), Patna
3. CIT(A)-
4. CIT-
5. CIT(DR)

//True copy//

By order

Assistant Registrar, Kolkata Benches

