

IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH, MUMBAI

BEFORE SHRI. OM PRAKASH KANT, AM
AND
MS. KAVITHA RAJAGOPAL, JM

ITA No. 2925/Mum/2024
(Assessment Year: 2022-23)

Shree Digamber Jain Dasha NagdaSamaj Trust 211, Shree Durgadevi Darshan CHS, Plot-89/91, Durgadevi Street, Kumbharwada, Mumbai – 400004.	Vs.	CIT (Exemptions)
PAN/GIR No. AAHTS 2471 E		
(Assessee)	:	(Respondent)

Assessee by	:	Shri. Vimal Punmiya (CA)
Respondent by	:	Smt. Sanyogita Nagpal (CIT DR)

Date of Hearing	:	19.09.2024
Date of Pronouncement	:	26.11.2024

ORDER

Per Kavitha Rajagopal, J M:

This appeal has been filed by the assessee, challenging the order of the Commissioner of Income Tax (Exemptions), Mumbai ('Id.CIT(E)' for short), relevant to the Assessment Year ('A.Y.' for short) 2022-23, in rejecting the application made by the assessee in form 10AB for granting registration u/s. 12AB of the Income Tax Act, 1961 ('the Act'), vide order dated 25.01.2023.

2. It is observed that the present appeal has been filed with a delay of 426 days for which the assessee trust had filed an affidavit along with an application for condoning the said delay. Upon perusal of the same, we deem it fit to hold that the assessee had "sufficient cause" for the said delay and therefore we are inclined to condone the delay caused by the assessee in filing the present appeal. Delay condoned.

3. The brief facts are that the assessee is a charitable trust engaged in social and religious activities for the purpose of serving the community through various welfare programs. The assessee trust had filed application in form 10AB for registration u/s. 12AB of the Act to the Ld. CIT(E) and was granted provisional registration u/s. 12AB of the Act in form 10AC dated 29.03.2022. Subsequent to this, the assessee had filed an application in form 10AB for permanent registration u/s. 12AB of the Act which was rejected by the Ld. CIT(E) vide order dated 25.01.2023 on the ground that the trust was not involved in any activities at the time of filing of the application.
4. Aggrieved the assessee trust is in appeal before us, challenging the impugned order of the Ld. CIT(E).
5. We have heard the rival submissions and perused the materials available on record. It is observed that the Ld. CIT(E) in the impugned order has specified that the assessee has no activity as per the submission dated 21.01.2023 and has thereby not fulfilled the conditions prescribed for filing application for registration in form 10AB with the liberty given to the assessee to reapply in form 10AB alongwith all necessary documents as prescribed in the IT Rules on commencement of the activities of the assessee trust.
6. The Ld. AR contented that for the purpose of registration u/s. 12AB, the assessee ought to have filed an application in the prescribed form at least 6 months prior to the expiry of the provisional registration or within 6 months of the commencement of activities whichever is earlier which is in accordance with Section 12A(1)(ac)(iii) of the Act. In the present case, the assessee was granted Provisional Registration on

29.03.2022 for a period of 3 years or until the commencement of activities whichever is earlier.

7. The Ld. AR further stated that the assessee was taking all efforts for the commencement of its charitable activities which was in a preparatory phase at the time of application. The Ld. AR relied on various decisions of the Coordinate Benches in support of his contentions. The Ld. DR on the other hand controverted the said fact and relied on the order of the Ld. CIT(E).
8. We have heard the rival submissions and perused the material available on record. The Ld. AR for the assessee submitted that the assessee trust's charitable activities have already been commenced and that the assessee was unable to submit the relevant documentary evidence for the same before the Ld. CIT(E) due to technical glitches.
9. The Ld. AR prayed that the assessee may be given one more opportunity to file all the relevant documentary evidence pertinent to the charitable activities that has been carried out by the assessee to the Ld. CIT(E).
10. On the factual matrix of the case, we deem it fit to extend the assessee with another opportunity to present all the relevant documentary evidence as along with form 10AB for registration of the assessee trust as per Section 12AB of the Act. The assessee is directed to furnish the said documentary evidence before the Ld. CIT(E), without any undue delay and the Ld. CIT(E) is also directed to decide this issue on the merits of the case and in accordance with law.

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

Order pronounced in the open court on 26.11.2024

Sd/-
(Om Prakash Kant)
Accountant Member

Sd/-
(Kavitha Rajagopal)
Judicial Member

Mumbai; Dated: 26.11.2024
Karishma J. Pawar (Stenographer)

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. CIT- concerned
4. DR, ITAT, Mumbai
5. Guard File

BY ORDER,

(Dy./Asstt.Registrar)
ITAT, Mumbai