

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "B", PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER
AND SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.2063/PUN/2024

Shri Salasar Hanuman Prachar Samiti Pune, Plot No.S-79, MIDC, Bhosari, Pune 411 046 Maharashtra PAN : AAITS0697P	Vs.	ITO (Exemption), Ward-1(2), Pune
Appellant		Respondent

Assessee by	:	None
Revenue by	:	Shri Ajay Kumar Keshari
Date of hearing	:	13.11.2024
Date of pronouncement	:	04.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeal at the instance of Assessee is directed against the order dated 30th January, 2024 framed by learned CIT (Exemption), Pune.

2. Assessee has raised following grounds of appeal :

"1. That on the facts and in law, the Ld. CIT (Exemption) erred in rejecting the appellant's application for registration under section 12A(1)(ac) of the Income-tax Act, 1961, without providing an opportunity of being heard.

2. That the Ld. CIT (Exemption) has erred in passing the rejection order without considering the bona fide reasons for non-compliance with the initial notices and the genuine efforts of the appellant to seek registration under section 12A(1)(ac).

3. That the appellant humbly submits that the Ld. CIT (Exemption) failed to consider the charitable nature of the trust's activities, which include providing free food to the needy and blood donation camps,

and that the rejection order is contrary to the principles of natural justice.

4. The appellant craves leave to add, amend, or alter any ground of appeal before or at the time of hearing.

PRAYER:

The appellant respectfully prays that the Hon'ble Tribunal set aside the order of the Ld. CIT (Exemption) and direct the registration under section 12A(1)(ac) of the Income-tax Act, 1961, to be granted, or pass any other order as deemed fit in the interest of justice.”

3. Brief facts emanating from the record are that the assessee is a Trust, filed application in Form No.10AB u/s.12A(1)(ac)(iii) of the Act on 30.09.2023 seeking registration. In order to verify the genuineness of activities of the assessee and compliance to requirements of any other law for the time being in force by the Trust, the ld. CIT(E) issued notice through ITBA portal on 22.11.2023 to the assessee trust calling upon it to file/upload certain information. There was no compliance by the assessee to the notices issued by ld.CIT(E). In the circumstances, the ld.CIT(E) rejected the application filed by the assessee cancelling the provisional registration granted to it on 28.02.2023 by observing as under :

“5.3 It is clear from the above that the assessee was given sufficient opportunity to comply, but it has not complied to the same. It seems that the assessee is not having any supporting documents/evidence to submit. The assessee has failed to comply with the provisions of section 12AB(1)(b)(i) of the Income Tax Act, 1961. Hence, the undersigned is unable to draw any satisfactory conclusion about genuineness of activities of the assessee and the compliance to the requirements of any other law for the time being in force by the trust / institution as are material for the purpose of achieving its objects. Therefore, the undersigned has left no alternative but to reject the application.

6. In view of the above, the application filed by the assessee is hereby rejected and the provisional registration granted on 28/02/2023 under section 12AB read with section 12A(1)(ac)(vi) of the Income Tax Act, 1961 is hereby cancelled.”

4. Aggrieved assessee trust preferred appeal before the Tribunal.

5. When the appeal was called for, none appeared on behalf of the assessee despite due service of notice of hearing. We therefore proceed to dispose of the appeal *ex parte* after hearing the ld. Departmental Representative.

6. At the outset, we find the appeal is time barred by 184 days before the Tribunal. The assessee has filed an affidavit explanation the reasons which led to delay in filing the appeal. After going through the reasons, we are satisfied that assessee was prevented by reasonable cause for filing the appeal with delay. We therefore condone the delay of 184 days and proceed for adjudication of the appeal.

7. Learned Departmental Representative vehemently argued supporting the order of the ld. CIT(E) and stated that even though sufficient opportunity was granted to the assessee, it did not comply and failed to do the needful on the given date(s) of hearing. Therefore, ld.CIT(E) was justified in rejecting the application filed by the assessee.

8. We have heard the ld. Departmental Representative and perused the record placed before us. We observe that the assessee trust filed an application dated 30.09.2023 on Form No.10AB u/s.12A(1)(ac)(iii) of the Act for grant of registration u/s.12AA of the Act. However after the filing of the application, the ld. CIT(E) issued notice through ITBA portal dated 22.11.2023 directing the assessee to furnish certain information mentioned in Para 2 of the impugned order. Since there was no

compliance from the side of assessee the ld. CIT(E) rejected the application filed by the assessee.

9. We find the assessee in the grounds of appeal contended that it could not respond to the hearing notices issued by ld.CIT(E) as it was not in the habit of checking the e-mails regularly. Considering the entirety of the facts and circumstances prevailing in the instant case, we in the interest of justice and being fair to both the parties deem it appropriate to grant one more opportunity to the assessee trust. The impugned *exparte* order passed by ld.CIT(E) is set-aside to the file of ld. CIT(E) for *denovo* adjudication to be carried out after granting reasonable and proper opportunity to the assessee. Assessee trust is also directed to remain vigilant and make satisfactory compliance to the notice(s) of hearing issued by ld.CIT(E) and should refrain from taking adjournments unless otherwise required for reasonable cause. Effective grounds of appeal raised by the assessee are allowed for statistical purposes.

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

Order pronounced on this 04th day of December, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 04th December, 2024.
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "B" बेंच,
पुणे / DR, ITAT, "B" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.