

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

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

आयकर अपील सं. / ITA No.212/PUN/2024
निर्धारण वर्ष / Assessment Year : 2024-25

Runners Clan Foundation, 3 Omkar Unity Sadan, Plot No.203, Ramchandra Nagar, Next to Rushabh Dairy, Gandhi Nagar, Dombivali, Kalyan- 421201. PAN : AAETR5018H	Vs.	CIT, Exemption, Pune.
Appellant		Respondent

Assessee by : Shri Nilesh Kariya
Revenue by : Shri Ajay Kumar Keshari
Date of hearing : 13.11.2024
Date of pronouncement : 04.12.2024

आदेश / ORDER

PER VINAY BHAMORE, JM:

This appeal filed by the assessee is directed against the order dated 19.12.2023 passed by Ld. CIT, Exemption, Pune rejecting the application for registration u/s 12AB of the IT Act.

2. Facts of the case, in brief, are that the assessee is a trust filed its application for registration in Form No.10AB under clause (iii) of section 12(1)(ac) of the IT Act on 31.08.2023. With a view to

verify the genuineness of the activities of the assessee and compliance to requirement of any other law for the time being in force by the trust/institution as are material for the purpose of achieving its objects, a notice was issued by LD CIT(E) through ITBA portal requesting the assessee to upload certain information/clarification. The desired information was furnished by the assessee. However, Ld. CIT, Exemption, Pune was not satisfied with the explanation furnished by the assessee trust and rejected the application for registration and also cancelled the provisional registration granted to the assessee. It is this order against which the assessee is in appeal before this Tribunal.

3. Ld. AR appearing from the side of the assessee submitted before us that Ld. CIT, Exemption, Pune has not provided proper opportunity to the assessee, & therefore the order is not justified. It was submitted that the assessee trust submitted desired information before Ld. CIT, Exemption, Pune & if he was not satisfied with the information submitted by the assessee he ought to have provided at-least one more opportunity to the assessee trust before jumping to any adverse conclusion. Accordingly, it was requested before the

Bench to set-aside the order passed by Ld. CIT, Exemption, Pune and further requested to provide one opportunity to submit the documents in support of application for registration.

4. Ld. DR appearing from the side of the Revenue placed heavy reliance on the orders passed by the subordinate authorities and requested to confirm the same.

5. We have heard Ld. Counsels from both the sides and perused the material available on record. We find that admittedly only two opportunities were given to the assessee and on both the occasions, the assessee made compliance to the notices issued by the Ld. CIT, Exemption, Pune. It is sole contention of the assessee that if Ld. CIT, Exemption, Pune was not satisfied with the compliance made by the assessee trust he should have had provided at-least one opportunity to the assessee to explain his case. Considering the totality of the facts of the case and in the interest of justice without going into the merits of the case, we set-aside the order passed by Ld. CIT, Exemption, Pune and remand the matter back to him with direction to decide the application for registration afresh as per fact and law after providing reasonable opportunity of hearing to the

assessee. The assessee is also hereby directed to comply with the notices issued by Ld. CIT, Exemption, Pune and produce requisite documents/information in support of the application for registration, otherwise, Ld. CIT, Exemption, Pune shall be at liberty to pass appropriate order as per law. Thus, the grounds of appeal raised by the assessee are partly allowed.

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

Order pronounced on 04th day of December, 2024.

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

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

Sujeet

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

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

आदेशानुसार / BY ORDER,

// True Copy //

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