

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH-C : NEW DELHI

BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER

ITA No.2754/Del/2024 & 2755/Del/2024
Assessment Year : N.A.

Kshatriya Rajput Doctors
Organization,
House No.49, Ground Floor,
Block-A, Pkt-4, Sector-8,
Rohini,
New Delhi – 110 085.
PAN : AAJCK0556H.
(Appellant)

Vs. Commissioner of Income-tax
(Exemption), Delhi.

(Respondent)

Appellant by : Shri Dushyant Maharishi, CA.
Respondent by : Shri Dayainder Singh Sidhu, CIT-DR.

Date of hearing : 03.12.2024
Date of pronouncement : 03.12.2024

ORDER

Per Bench :

These two appeals by the assessee are arising out of different orders of learned CIT(Exemption), Delhi in application Nos.CIT(Exemption),Delhi/2023-24/12AA/11932 dated 20th March, 2024.

2. The only common issue in these two appeals of the assessee is as regards the order of learned CIT(Exemption) is against rejection of application under Section 12A(1)(ac)(iii) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') filed in Form No.10AB on 26th September, 2023 and under Section 80G(5) clause (iii) of first proviso in Form No.10AB dated 26th September, 2023. For these two appeals, assessee has raised various grounds, in each of appeal, which are argumentative, factual and need not be reproduced.

3. We have heard rival contentions and gone through the facts and circumstances of the case. We noted that the assessee filed an application electronically on 26th September, 2023 in Form No.10AB seeking registration under Section 12A(1)(ac)(iii) of the Act with the learned CIT(Exemption) submitted various letters for submission of details like financial statements, bank statements, form 10AB, address of the trustees, etc. as assessee is a company registered under Section 25 being charitable company. The assessee has not furnished form 10AB for the relevant financial year and details remain unexplained with regard to the nature of expenses and accumulation etc. Learned CIT(Exemption) has noted from the perusal of the details that the assessee has not carried out any charitable activity benefiting general public as envisaged under the provisions of Section 2(15) of the Act. The assessee has not submitted any bills/vouchers in support of its claim and from the pictures and documents submitted by the assessee, he concluded that the dominant objects and activities of the company are not for general public. Finally, learned CIT(Exemption) held that the assessee failed to submit requisite details and documents in support of its claim of carrying out charitable activity as mandated under Section 2(15) of the Act and therefore, the conditions for grant of registration are not satisfied. Hence, he rejected form 10AB and provisional registration was also cancelled.

4. Similarly, learned CIT(Exemption) also rejected the application in form 10AB dated 26th September, 2023 filed under clause (iii) of first proviso to sub-section 5 of Section 80G of the Act.

5. Now, before us, learned counsel for the assessee only requested that one more opportunity be provided before learned CIT(Exemption) and he is ready to file all the required details. To this proposition, learned CIT-DR has not objected.

6. After hearing both the sides and going through the facts and circumstances of the case, we are of the view that the principle of natural justice should have been adhered to. The assessee should be allowed reasonable time to submit the details. The assessee is also advised to file all

the relevant details to substantiate its claim that it is a genuine charitable company. Consequent to the above, we set aside both the orders of learned CIT(Exemption) and remand the matter back to his file for fresh adjudication.

7. In the result, both the appeals of the assessee are allowed for statistical purposes.

Above decision was pronounced in the open Court on 03-12-2024.

Sd/-
(NAVEEN CHANDRA)
ACCOUNTANT MEMBER

Sd/-
(MAHAVIR SINGH)
VICE PRESIDENT

Dated : 03.12.2024
VK.

Copy forwarded to: -

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar