

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 Nos.2090 and 2091/PUN/2024

Vidyarthi Vikas Mandal, Near Appasaheb Birnale College, Vikas Chowk, Sangli, Bomnoli Sangli - 416 416 Maharashtra PAN : AADAV0886B	Vs.	CIT(Exemption) Pune
Appellant		Respondent

Assessee by	:	Smt. Deepa Khare
Revenue by	:	Shri Manish Kumar Singh
Date of hearing	:	02.12.2024
Date of pronouncement	:	09.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeals filed by the appellant Trust are directed against the separate orders of Id. Commissioner of Income Tax (Exemption), Pune dated 17.07.2023 & 29.12.2023 respectively denying grant of registration u/s. 12A of the Income Tax Act, 1961 ('the Act').

2. At the outset, we find the instant appeals are time barred by limitation by 380 and 215 days respectively before the Tribunal. The appellant trust filed an affidavit explaining the reasons which led to delay in filing the appeals. We are satisfied with the reasons so stated In this regard, we would like to quote the decision of Hon'ble Jurisdictional High Court in the case of *Vijay Vishin Meghani vs. DCIT, 389 ITR 250 (Bom.)* wherein it was held that in the matter of condonation of delay an overall view in

the larger interest of justice has to be taken. None should be deprived of an adjudication on merits unless the Court of law or the Tribunal/Appellate Authority finds that the litigant has deliberately and intentionally delayed filing of the appeal, that he is careless, negligent and his conduct is lacking in bonafides. We therefore condone the delay of 380 days and 215 days in filing the instant appeals and proceed for adjudication of appeals.

3. Today, when the matter was called on, it was brought to the notice of the Bench by Ld. Counsel for the appellant that appellant filed two applications in Form No.10AB under clause (iii) of section 12A(1)(ac) of the Act seeking regular registration before the ld.CIT(E) on 24.01.2023 and 22.07.2023 respectively and the same were disposed of by the ld.CIT(A) vide the impugned orders 17.07.2023 & 29.12.2023. Aggrieved assessee filed two appeals before the Tribunal which are numbered as ITA No.2090/PUN/2024 & 2091/PUN/2024. Since the issue on which the appellant agitated before the Tribunal is one and same, the ld. Authorised Representative submitted that the latter appeal being ITA No.2091/PUN/2024 may be treated as 'Infructuous'. The ld. Departmental Representative did not dispute the said factual aspect. We therefore dismiss ITA No.2091/PUN/2024 treating the same as 'Infructuous'.

ITA No.2090/PUN/2024 :

4. Briefly, the facts of the case are that the appellant is a Trust formed with the object of providing Educational aid to aspiring poor children. It filed application on Form No.10AB under clause (iii) of section 12A(1)(ac) for grant of regular registration u/s.12A of the Act on 24.01.2023. In order to verify

the genuineness of activities of the appellant trust, the ld. CIT (Exemption) issued a notice through ITBA portal on 17.04.2023 calling upon the assessee trust to file certain information/clarification. However, the appellant trust did not comply with the notices. In the event, the ld.CIT(E) rejected the application filed by the assessee trust, thereby denying the provisional registration granted to it on 19.01.2023 by observing as under :

“3. The information/ details were called for under the provisions of section 12AB(1)(b)(i) of the Income Tax Act, 1961. These are the basic details required to ascertain the overall nature of the activities of the assessee and are directly relevant to the present proceedings. However, the assessee has failed to comply despite giving sufficient opportunities as discussed above including an opportunity of being heard.

3.1 Thus, the assessee has failed to furnish the details called for under the provisions of section 12AB(1)(b)(i) of the Income Tax Act, 1961 to verify the genuineness of activities of the trust/institution and to verify the compliance to 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.

3.2 In absence of the compliance to the above requirement, it is not possible to arrive at any conclusion about the 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.

3.3 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.

4. In view of the above, the application filed by the assessee is hereby rejected and the provisional registration granted on 19/01/2023 under section 12AB read with section 12A(1)(ac)(vi) of the Income Tax Act, 1961 is hereby cancelled.”

5. Aggrieved appellant trust is in appeal before the Tribunal in the present appeal assailing the impugned order denying grant of registration u/s.12A of the Act.

6. Before us, the ld. AR submitted that the appellant trust could not respond to the notices send by the ld.CIT(E) for the reasons beyond its control. In the interest of justice, it is prayed for remanding the matter to the file of CIT(Exemption) granting one more opportunity to represent its case.

7. On the other hand, the ld. Sr. DR vehemently opposed the arguments advanced by the ld. AR. He submitted that ample opportunities were given to the appellant trust and the appellant has not complied with any of the notices sent to it. The ld.CIT(E) was justified in rejecting the application filed by it. Therefore, the impugned order passed by the ld.CIT(E) should be confirmed.

8. We have heard the rival submissions and perused the relevant material on record. We have given our thoughtful consideration to the submissions made by the ld. Authorised Representative for the assessee, facts and circumstances of the case, lack of proper and fair opportunity having been granted to assessee trust and the principles of natural justice being fair to both the parties. In view of the above, we deem it appropriate to grant one more opportunity to the assessee trust, setting aside all the issues raised regarding rejection of application for registration u/s.12A(1)(ac)(iv) and cancellation of provisional registration granted on 19.01.2023 to the file of ld. CIT(E) for *denovo* adjudication 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 Id.CIT(E). It should refrain from taking adjournments unless otherwise required for reasonable cause. Effective grounds of appeal raised by the assessee are allowed for statistical purposes.

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

10 To sum up, the appeal ITA No.2090/PUN/2024 filed by the appellant is allowed for statistical purposes whereas the appeal ITA No.2091/PUN/2024 filed by the appellant trust is dismissed.

Order pronounced on this 09th day of December, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 09th December, 2024.
Satisf

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.