



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.2173/PUN/2024

Shri Vardhaman Shwetambar Sthanakwasi Jain Shrivak Sangh, A/P. Pandharpur, Valadgaon, Aurangabad - 431 133 Maharashtra PAN : AAJTS0175M	Vs.	Commissioner of Income Tax (Exemption), Pune
Appellant		Respondent

Assessee by	:	Shri Rajiv Thakkar and Shri Rishabh Patni
Revenue by	:	Shri Ajay Kumar Keshari
Date of hearing	:	10.12.2024
Date of pronouncement	:	13.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeal at the instance of appellant is directed against the order framed by ld. Commissioner of Income Tax (Exemption), Pune dated 17.08.2024 denying grant of registration u/s.12A of the Income Tax Act, 1961 ('the Act').



ITA No.2173/PUN/2024
Shri Vardhaman Shwetambar
Sthanakwasi Jain Shrivak Sangh

2. The facts apropos this appeal are that the appellant filed application on Form No.10AB under clause (iii) of section 12A(1)(ac) of the Act for grant of regular registration u/s.12A of the Act on 16.02.2024. In order to verify the genuineness of activities of the appellant, the ld. CIT (Exemption) issued a notice through ITBA portal on 02.05.2024 calling upon the appellant to file certain information/clarification. The appellant filed the requisite details. However, the ld.CIT(E) issued another notice to the appellant on 01.08.2024 pointing out certain discrepancies (para 4 of the impugned order). There was no compliance by the appellant to such notice. In the circumstances, the ld.CIT(E) rejected the application filed by the appellant, thereby cancelling the provisional registration granted to it by observing as under :

“6. Since, the assessee has not furnished any explanation to the discrepancies communicated to it, it is presumed that the assessee has nothing to say in the matter.

7. Considering the above facts discussed in the show notice and discrepancies noticed and also that the assessee has not complied with the provisions of section 12AB(1)(b)(i) of the Income Tax Act, 1961 as well as the provisions of Rule 17A(2) of Income Tax Rules, 1962 in spite giving sufficient opportunities, the undersigned is unable to draw any satisfactory conclusion about the genuineness of activities of the assessee and compliance of requirements of any other law for the time being in force by the assessee as are material for the purpose of achieving its objects.



ITA No.2173/PUN/2024
Shri Vardhaman Shwetambar
Sthanakwasi Jain Shravak Sangh

8. *In view of the above, the application filed by the assessee is hereby rejected and the provisional registration granted on 24/09/2021 under section 12AB read with section 12A(1)(ac)(vi) of the Income Tax Act, 1961 is hereby cancelled.”*

3. Aggrieved appellant approached the Tribunal challenging the impugned order denying grant of registration u/s.12A of the Act.

4. We have heard the parties and perused the relevant material on record. We note that the ld.CIT(A) issued notice dated 01.08.2024 to the appellant fixing the date of compliance as 08.08.2024, non-compliance of which led to passing of the impugned order. We find that obviously the time allowed to the appellant for compliance is unreasonable. We have given our thoughtful consideration to the facts and circumstances of the case, lack of proper and fair opportunity having been granted to appellant trust and also considering the principles of natural justice and being fair to both the parties, we are of the view that the appellant was prevented for sufficient cause from prosecuting the appeal effectively, therefore it deserves to be given one more opportunity to prove its case on merits. In view thereof, without dwelling into merits of the issue, we set-aside the impugned order under challenge and remit it back to the file of Ld. CIT(E) to the stage of its institution with a direction to



ITA No.2173/PUN/2024
Shri Vardhaman Shwetambar
Sthanakwasi Jain Shrivak Sangh

adjudicate the subject matter *denovo* in accordance with law after providing reasonable opportunities and then pass a speaking order. Appellant is also directed to remain vigilant and make satisfactory compliance to the notice(s) of hearing issued by Id.CIT(E) and should refrain from taking adjournments unless otherwise required for reasonable cause. Effective grounds of appeal raised by the appellant are allowed for statistical purposes.

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

Order pronounced on this 13th day of December, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 13th December, 2024.
Satish



ITA No.2173/PUN/2024
Shri Vardhaman Shwetambar
Sthanakwasi Jain Shravak Sangh

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.