

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "G" MUMBAI**

BEFORE SHRI RAHUL CHAUDHARY (JUDICIAL MEMBER)

AND

SHRI OMKARESHWAR CHIDARA (ACCOUNTANT MEMBER)

**ITA Nos. 4913 & 4914/MUM/2024
Assessment Year: 2024-25**

Simple Vedas Foundation,
2nd floor, Plot No. 133/134,
Chandramani Apartment Opp
Saraswat Bank Matunga Central,
Matunga S.O. Mumbai-400019.

**PAN NO. ABFTS 3336 K
Appellant**

Vs.

CIT (Exemptions),
Room No. 601, 6th floor, Cumballa
Hill MTNL Te Building, Pedder
Road, Dr Gopalrao Deshmukh
Marg, Cumballa Hill,
Mumbai-400026.

Respondent

Assessee by : Mr. Bharat Kumar
Revenue by : Mr. Dr. Kishor Dhule, CIT-DR

Date of Hearing : 23/12/2024
Date of pronouncement : 30/12/2024

ORDER

PER OMKARESHWAR CHIDARA, AM

These appeals by the assessee are directed against two separate orders both dated 01.07.2024 and 26.07.2024 passed by the Ld. Commissioner of Income-tax (Exemptions), Mumbai [in short 'the Ld. CIT(E)'].



2. The Ld. AO has stated that the assessee filed two appeal ITA No. 4913/Mum/2024 and ITA No. 4914/Mum/2024. The grievance of the appellant trust is that it was denied the registration sought for u/s 12AB and denied the 80G exemption.

3. ITA No. 4913/Mum/2024 deals with rejection of application filed by the appellant for 80G exemption and ITA No. 4914/Mum/2024 deals with rejection of registration sought u/s 12AB of the Income-tax Act, 1961 (in short 'the Act').

4. In the appeal ITA No. 4913/Mum/2024, the appeal filed the following ground:

On the facts and in the circumstances of the case and in law, the Ld. CIT(E) erred in rejecting application filed for 80G exemption)

5. The Ld. CIT(Exemption) has issued a letter to the appellant with regard to proceedings u/s 80G(5)(iii) stating that the funds received by your trust cannot be applied beyond Indian shores and in view of same why the application in form No. 10AB should not be rejected. The Ld. CIT(Exemption) has also requested the appellant to file documentary evidence relating to the activities already carried out and details of expenses incurred thereby. The appellant trust was also requested to provide the details of donations received from Financial Year (FY) 2022-23 and 2023-24 and with documentary evidences, bank statement. The appellant trust was requested to file all these details on 24.07.2024 failing which it will



be deemed that there is no objection for proposed rejection of application u/s 80G.

5.1 Since the required details as mentioned above were not submitted before the Ld. CIT(Exemption), an order was passed stating as follows:

The appellant has also applied for registration u/s 12AB of the Act vide Form 10AB u/s 12A(1)(ac)(iii) of the Act and same was rejected vide order dated 26.07.2024. The provision of section 80G(5)(i) of the Act stipulates that the provision of this section is only available for institution or fund for which section 11/12 or clause 23(aa) or clause 23(c) of section 10 of the Act applies. The appellant fails to fulfill any of the above criteria in view of rejection of its application for registration u/s 12AB of the Act. Thus, its application for approval u/s 80G of the Act becomes untenable and hence rejected.

6. Aggrieved by the above order, the appellant trust filed appeal with the grounds of appeal mentioned above. During the appeal proceedings before ITAT, the Ld. AR of the appellant has stated that the time given to submit the details was very short and hence could not submit the same. It was also submitted before the ITAT that all the details would be furnished before the Ld. CIT(Exemption) and an opportunity may be given. The Ld. Departmental Representative (DR) did not controvert the submission of the appellant.



7. After hearing both sides it is decided to give an opportunity to the appellant trust to file all the details which were required by the Ld. CIT(Exemption). The Ld. CIT (Exemptions) is directed to take into consideration all the details submitted by the appellant trust and pass an order afresh. Accordingly, the issue is remitted to the file of Ld. CIT(E).

7.1 The appeal of assessee is allowed for statistical purposes.

ITA No. 4914/Mum/2024

8. The Ld. CIT(Exemption) rejected the Registration sought by the appellant trust u/s 12AB of the Act. From the order of the Ld. CIT(Exemption) page 4 para 3 it is observed that certain notices were issued to the appellant trust requesting them to submit the details/explanation along with documentary evidences relating to application of the funds outside India as mentioned in the object clause of the trust deed. The appellant Trust was requested to file evidence of activities carried out and the details of donations received in financial year 2022-23 and 2023-24 with necessary documentary evidences. This notice was issued by the Ld. CIT(Exemption) vide his letter 20.07.2024. The appellant trust was requested to file all these information within a week and in response to the same the appellant trust could not submit the relevant information and requested for an adjournment till 10.08.2024. From para 4 of the above said order of the Ld.



CIT(Exemption), it is observed that the statutory limitation to decide on the application is 31.07.2024. The request of adjournment was rejected by stating that the above details are required to come to a conclusion about the genuineness of the Trust and to find out whether all the objects were complied with as per law. In the absence of necessary compliance by the appellant within the stipulated time, the Ld. CIT(Exemption) has stated that he is unable to come to the conclusion about the genuineness of the trust. Hence, the application seeking registration u/s 12AB was rejected.

9. Aggrieved by the order of the Ld. CIT(Exemption), the appellant filed an appeal before the ITAT. Before the ITAT, the Ld. AR of the appellant has stated that the time given to submit all the required details is quite short and the Trust is genuine in all represents and he is entitled for registration u/s 12AB and 80G of the Act. It was submitted that during the hearing proceedings before the ITAT, the Ld. AR of the appellant has stated that if an opportunity is given, all the required details would be submitted. Hence, it is requested that an opportunity may be given to file all the required details before the Ld. CIT(Exemption). After hearing the submission of the appellant Trust and perusing the order of the Ld. CIT(Exemption) it is decided that an effective opportunity was not given to the appellant trust with reasonable time to submit all the required details. Hence, the Ld. CIT(Exemption) is directed to take all the required details as submitted by the appellant trust and pass a



fresh order accordingly. Accordingly, the issue is remitted to the file of Ld. CIT(E).

10. Both the above appeals in ITA No. 4913 and 4914/Mum/2024 are allowed for statistical purposes.

Order pronounced in the open Court on 30/12/2024.

Sd/-

**(RAHUL CHAUDHARY)
JUDICIAL MEMBER**

Sd/-

**(OMKARESHWAR CHIDARA)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 30/12/2024
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,
(Assistant Registrar)
ITAT, Mumbai