

IN THE INCOME TAX APPELLATE TRIBUNAL "PATNA BENCH", PATNA
(VIRTUAL HEARING AT KOLKATA)

SHRI SONJOY SARMA, JUDICIAL MEMBER
SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER

I.T.A. No. 292/Pat/2024
Assessment Year: 2019-20

Maharajadhiraja Kameshwar Singh
Charitable Trust,

Kameshwar Nagar, Lalbagh,
Darbhanga - 846004
[PAN: AADTM3390E]

..... **Appellant**

vs.

ITO (Exemption), Ward,
Muzaffarpur – 842001
(Bihar)

..... **Respondent**

Appearances by:

Assessee represented by : Sanjeev Kumar, AR
Department represented by : Rinku Singh, CIT DR

Date of concluding the hearing : 16.12.2024
Date of pronouncing the order : 17.12.2024

ORDER

PER SANJAY AWASTHI, ACCOUNTANT MEMBER:

1. This appeal preferred by the assessee emanates from the order of the Ld. Commissioner of Income Tax (Appeals), Addl/JCIT(A)-1, Nashik (in short 'the Ld. CIT(A)'] dated 20.02.2024, passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as the "Act") for Assessment Year 2019-20.

2. It is seen that in this case, the assessee filed an appeal before the Ld. CIT(A) in protest against the action of the Ld. AO, CPC, Bengaluru. The Ld. AO, CPC has denied exemption u/s 11 of the Act since apparently the return was filed belatedly u/s 139(4) of the Act. Before the Ld. CIT(A), it is recorded in para 6.2 that two opportunities given for presenting the facts

before the Ld. CIT(A) were not availed of by the assessee. Due to this the Ld. CIT(A) passed an ex parte order.

3. Aggrieved with the action of Ld. CIT(A), the assessee has filed the present appeal with the following grounds:

“1. For that the order passed by the authorities below are bad in law and facts.

2 For that the appellant trust has claimed exemption u/s 12A and all the necessary forms and audit report were filed within the due date. The ITR was also filed within the extended due date u/s 139(1). In such a case claim for exemption should not have been disallowed.

3 For that the learned CIT(A) should not have passed ex parte order only on the second date of hearing, particularly when the faceless appeal is new to the appellant.

4 For that even the ex parte order does not adjudicate the grounds taken in appeal.

5 For that CPC while processing the return has considered the extended due date as 31/10/2019, whereas it was further extended to 30/09/2020 vide notification no. 56/2020 dated 29/07/2020. Then the ITR filed on 10/07/2020 was well within the extended due date and as such the claim for exemption should not have disallowed.

6 For that even the return filed under section 139(4) may kindly be considered and exemption should not have been denied if the same is not filed within the due date u/s 139(1).

7 For that the appellant trust is eligible for exemption and the disallowance is liable to be deleted.

8 For that other grounds, if any, will be urged at the time of hearing.”

3.1 Before us, the Ld. AR placed on record several circulars issued by CBDT through which the date for filing of ITR was extended. In fact, the Ld. AR pointed out that as per Ground No. 5 (supra) it has been specifically mentioned that the said return of income was very much in time considering the Circulars/Instructions mentioned therein. In light of these Circulars, the action of Ld. CIT(A) was not justified. The Ld. AR also stated that the assessee was not able to respond promptly to the Ld. CIT(A) in a faceless environment. Therefore, he has pleaded that the matter should be remanded back to the Ld. CIT(A) for consideration of the matter in light of the CBDT Circulars mentioned in Ground No. 5 (supra).

3.2 The Ld. DR did not have any objection in case the matter was to be remanded back to the file of Ld. CIT(A).

4. We have carefully considered the argument of the Ld. AR/DR and gone through the circulars placed on record. It is felt that in the interest of the principle of natural justice this matter deserves to be remanded to the file of the Ld. CIT(A) for adjudicating the matter afresh after considering the CBDT circulars mentioned in the body of this order.

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

Order pronounced in the court on 17.12.2024

Sd/-
[Sonjoy Sarma]
Judicial Member

Sd/-
[Sanjay Awasthi]
Accountant Member

Dated: 17.12.2024.
AK, PS

Copy of the order forwarded to:

1. Maharajadhiraja Kameshwar Singh Charitable Trust
2. ITO (Exemption), Ward, Muzaffarpur – 842001
3. CIT(A)-
4. CIT-
5. CIT(DR)

//True copy//

By order

Assistant Registrar, Kolkata Benches