



IN THE INCOME TAX APPELLATE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER
AND
SHRI MANOMOHAN DAS, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.64/GTY/2024
Assessment Year : 2022-23

ITO, Ward-2(3), Shillong	V/s	The Little Stars Trust, Thakur Bari Road, P.O. Digboi Borbil No.1, Digboi, Tinsukia, Assam – 786 171 PAN : AAATT1788L
Appellant		Respondent

Assessee by	:	None
Revenue by	:	Shri Kausik Ray
Date of hearing	:	28.11.2024
Date of pronouncement	:	20.01.2025

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeal pertaining to Assessment Year 2022-23 at the instance of Revenue is directed against the order dated 24.02.2024 passed by Addl/JCIT(A)-3, Chennai u/s.250 of the Income-tax Act, 1961 (in short 'the Act') which in turn is



arising out of Intimation Order dated 04.04.2023 passed u/s.143(1) of the Act.

2. Succinctly, the facts of the case are that the assessee is a Charitable trust and is stated to be running Educational Institutions. It filed the return of income for the A.Y. 2022-23 on 07.11.2022 disclosing Nil income after claiming exemption u/s.11 of the Act. The said return was processed by the CPC on 04.04.2023 making adjustment of Rs.4,50,33,061/-, thereby denying exemption claimed by the assessee u/s.11 of the Act. The CPC denied the said deduction owing to non-filing of the Audit Report in Form No.10B within the prescribed due date as per section 139(1) of the Act. Dissatisfied assessee preferred appeal before the ld. Addl/JCIT(A) and the ld. Addl/JCIT(A) allowed the appeal of the assessee as the appellant has submitted Form No.10B on 07.11.2022.

3. Now the Revenue is in appeal before the Tribunal challenging the impugned order passed by ld.Addl/JCIT(A).

4. When the appeal was called for, none appeared on behalf of the assessee despite due service of notice. We therefore proceed to dispose of the appeal with the able assistance from ld. Departmental Representative *exparte* qua the assessee.



5. We have heard the ld. Departmental Representative and perused the record placed before us. The solitary issue that arises for our consideration is whether the ld.Addl.JCIT(A) was justified in allowing the appeal filed by the assessee on the ground that the assessee has filed application in Form No.10B within the time limit prescribed. We find the assessee filed the return of income for the A.Y. 2022-23 on 07.11.2022 declaring Nil income. The CPC vide order dated 04.04.2023 denied the exemption u/s.11 of the Act on the ground that Audit Report in Form No.10B was not filed within the extended time limit specified.

6. We find the ld.Addl.JCIT(A) has allowed exemption u/s.11 claimed by assessee for the A.Y. 2022-23 after necessary verification by holding as under :

“3.1 The primary issue in this case revolves around the AO(CPC) denying exemption under section 11 of the Income Tax Act due to the non-filing of the required audit report in Form 10B within the prescribed due date as per section 139(1).

3.2 Upon reviewing the records, it is evident that the appellant did, in fact, submit Form 10B on 7.11.2022 within the extended due date of section 139(1) of the Income Tax Act. Upon examination of the audit report, it is noted that the reported sums include (a) Rs. 4,36,65,873/- representing the income of the previous year applied to charitable or religious purposes in India during that year, and (b) Rs. 13,67,198/- set apart for application to religious purposes, not exceeding 15% of the income derived from property held under trust wholly for such purposes. These amounts align with the exemption claimed by the appellant in the Income Tax Return for Assessment Year 2022-23.



3.3 Considering that the appellant's claim under section 11 appears prima facie in order, the denial of exemption under section 11 to the appellant is not justifiable. Therefore, the Jurisdictional Assessing Officer (JAO) is directed to allow the exemption under section 11 for the A.Y. 2022-23 to the appellant after necessary verification.”

7. From perusal of the above finding, it remains uncontroverted that the assessee has filed the Audit Report in Form 10B within the extended due date of section 139(1) of the Act. We therefore find no infirmity in the said order allowing exemption u/s.11 of the Act to the assessee. Thus, we countenance the view point of the Id.Addl/JCIT(A).

8. In the result, the appeal of the Revenue is dismissed.

Order pronounced on this 20th day of January, 2025.

Sd/-

(MANOMOHAN DAS)
JUDICIAL MEMBER

Sd/-

(MANISH BORAD)
ACCOUNTANT MEMBER

दिनांक / Dated : 20th January, 2025

Satish



ITA No.64/GTY/2024
The Little Stars Trust

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, “, Guwahati” बेंच,
/ DR, ITAT, Guwahati Bench
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Assistant Registrar