

आयकर अपीलीय अधिकरण, राजकोट न्यायपीठ, राजकोट।
IN THE INCOME TAX APPELLATE TRIBUNAL,
RAJKOT BENCH, RAJKOT

BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER
AND
SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER
आयकर अपील सं./ITA No.828/RJT/2024
निर्धारणवर्ष /Assessment Year: -N.A.

Amrutlal V. Parekh Trust C/o. Jain Balashram 8-Rajputpara Rajkot. PAN : AAATA 2806 L	बनाम Vs.	The CIT (Exemption) Ahmedabad.
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी/Respondent)

निर्धारिती की ओर से/Assessee by : Shri D.M. Rindani, Id.AR

राजस्व की ओर से/Revenue by : Shri Sanjay Punglia, Id.CIT(DR)

सुनवाई की तारीख/Date of Hearing : 22/01/2025

घोषणा की तारीख/Date of Pronouncement : 28/02/2025

ORDER

PER DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER;

Captioned appeal filed by the assessee, is directed against the order passed by the Learned Commissioner of Income Tax (Exemption), Ahmedabad [in short 'Ld.CIT(E)], vide his order dated 30.8.2024, wherein the Id.CIT(E) rejected the assessee's application in Form No.10AB under section 12A(1)(ac)(iii) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') stating that the assessee has failed to prove genuineness of the activities, and also failed to prove whether the activities of the trust are in consonance with the objects of the Trust.



2. At the outset, the Id.Counsel for the assessee begins by pointing out that during the proceedings before the Id.CIT(E) required details and documents were submitted, before him. However, the Id.CIT(E) has denied the registration merely on the fact that the assessee failed to submit the required details and documents before him, and passed the *ex-parte* order. The Id.Counsel stated that during the proceeding before the Id.CIT(E), the Id.CIT(E) issued notice to the assessee, which is placed at paper book Page no.114. In response to the notice, the assessee submitted its reply along with documents and evidences, which is placed at paper book Page No.120. The Id.CIT(E) also issued final show cause notice which is placed at paper book Page No.136 and in response to the final show -cause notice, the assessee submitted its reply along with documents and evidences, which is placed at paper book Page No.138. Therefore, whatever documents were required by the Id.CIT(E) were produced before him. However, it may be possible that these documents have not been accessed by the Id.CIT(E) or the Id.CIT(E) might have not seen the reply of the assessee. Therefore, the Id.Counsel contended that the matter may be remitted back to the file of the Id.CIT(E) with the direction to examine the required docuemnts and evidences, which have already been filed before him, and grant the registration in accordance with law.

3. On the other hand, the Id.DR for the Revenue did not raise any objection if the matter is remitted back to the file of the Id.CIT(E) for fresh adjudication.

4. We have heard both the parties and perused the material available on record. We note that during the proceedings before the Id.CIT(E) inquiry was conducted in the premises of the assessee-trust, and the Inspector was appointed. However, the report of the Inspector was never furnished to the assessee, and the Id.CIT(E) never asked the assessee to submit any rejoinder in respect of the report of the Inspector. Therefore, it is against the principle of



natural justice, and hence it is not tenable in the eyes of the law. Therefore, we are of the view that until and unless, an opportunity of cross examination is granted, such adverse material “Inspector of report” can not be used against the assessee. We also find that the assessee has submitted the required evidences and documents before the Id.CIT(E). However, the Id.CIT(E) did not examine these documents/ evidences which were submitted by the assessee. Therefore, in the interest of justice, we remit this issue back to the file of the Id.CIT(E) with the direction to Id.CIT(E) to examine the documents and evidences filed by the assessee, and grant the registration in accordance with law. The assessee is also directed to submit the required documents/evidences physically before the Id.CIT(E) as and when called for. Therefore, for the statistical purpose, the appeal of the assessee is treated to be allowed.

5. In the result, the appeal of the assessee, is allowed for statistical purpose.

Order is pronounced in the open court on 28/02/2025

Sd/-
(DINESH MOHAN SINHA)
JUDICIAL MEMBER

Sd/-
(DR.ARJUNLAL SAINI)
ACCOUNTANT MEMBER

राजकोट /Rajkot

दिनांक/ Date: 28/02/2025

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आदेश की प्रतिलिपि अत्रेषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- आयकर आयुक्त(अपील)/ The CIT(A)
- विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, राजकोट/ DR, ITAT, RAJKOT
- गार्डफाईल/ Guard File

By order/आदेशसे,
Assistant Registrar/Sr. PS/PS ITAT, Rajkot