

आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर
IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE BENCH, INDORE
BEFORE SHRI BHAGIRATH MAL BIYANI, ACCOUNTANT
MEMBER
AND
SHRI PARESH M JOSHI, JUDICIAL MEMBER MEMBER

ITA No. 431/Ind/2024
Assessment Year 2022-23

Shri Sthankvasi Jain Sangh, 224,225 Clerk Colony, Bhandari Hospital, Pardeshipura, Indore	<u>बनाम/</u> Vs.	CIT (Exemption), Bhopal
(Assessee/Appellant)		(Revenue/Respondent)
PAN: AAYTS3286Q		
Assessee by	Shri Harsh Vijayvargia, AR	
Revenue by	Shri Ram Kumar Yadav, CIT-DR	
Date of Hearing	25.03.2025	
Date of Pronouncement	26.03.2025	

आदेश / O R D E R

Per Paresh M Joshi, J.M.:

This is an appeal filed by the assessee Under Section 253 of the Income Tax Act, 1961 (hereinafter referred to as the 'Act' for sake of brevity) before this Tribunal. The assessee is aggrieved by the order bearing Number ITBA/EXM/F/EXM45/2023-24/1061949534(1)dated 04.03.2024 of the Ld. CIT(Exemption),

Bhopal, M.P. which is hereinafter referred to as the "**impugned order**".

Registry informed that there is delay of 4 days in filing the appeal. Delay of 4 days condoned for which assessee has shown sufficient cause. Appeal admitted and taken up for hearing.

2. **FACTUAL MATRIX**

2.1 The appellant is a Society, registered under the Madhya Pradesh Societies Registration Act, 1973 vide certificate of Regn. No. 03/27/01/21903/19 Dated 30/07/2019 and was provisionally registered under Section 12A having provisional Registration No. AAYTS3286QE20211 from AY 2022-23 to AY 2024-25 through order of CIT exemption dated 05/04/2022.

2.2 The objective of the Society is to run educational and social and spiritual activities and also to construct and operate nursery, primary, middle, high school, higher secondary and college at educational level and hostels. To arrange scholarships and books for the study of poor, weaker section and talented students of the society. To make arrangements for treatment of low-income group

members of society, sadhus and mahatmas when they become unwell and working for animals and birds (for kindness to animals), also for work related to the upliftment and welfare of women, children and youth of the society.

2.3 The Appellant applied for regular registration under clause iii of sub- section C of section 12AB (1) of the Act, as per the new provision of Income Tax Act, 1961 in Form 10AB on 30 September 2023 via Ack No. 368136460300923.

2.4 Consequently, opportunity letters were issued and various documents/details were called for, to process the said application on 05 December 2023 but due to portal issues, assessee could not access the same on time.

2.5 After some time when assessee got aware about the notice(s), they submitted the response along with the documents called for on 18 January 2024.

2.6 After that on 19 February 2024 appellant received another notice for furnishing the information/documents of last three financial years of donation received, details of Corpus Fund,

details of Subscription and photos of charitable activities The Appellant submitted the response with all available information and document on 26 February 2024.

2.7 Suddenly on 04 March 2024 appellant received the rejection order in Form 10AD stating that –

- address and mobile number of the Donor has not been submitted.
- Complete address and direction from the donor or any supporting documents of Corpus not Submitted.
- Proper details of subscriptions shown in Income & Expenditure accounts not submitted.

2.8 The application of the assessee in Form 10AB for grant of registration u/s 12AB is rejected and the provisional registration/approval u/s 12AB in Form 10 AC vide URN No. AAYTS3286QE20211 dated 05.04.2022 is also cancelled saying non-compliance of required documents/information.

2.9 That the aforesaid order bears Number ITBA/EXM/F/EXM45/2023-24/1061949534(1) and same is dated 04.03.2024 (the impugned order) supra.

2.10 That the assessee being aggrieved by the impugned order has preferred an appeal before this Tribunal and has raised following grounds of appeal in Form No.36 which are as under:-

"1. We have provided the details of Subscription shown in Income & Expenditure A/c during last three years with Receipt no., Amount, Date and Name which is complete in all respect. In Notice, details of Subscription shown in Income & Expenditure A/c is called for but no specific format was provided. So, appellant provided the details as per his best understanding. Confirmation as to corpus donation is also available which can be submitted now. Rejection on this ground is not fair as the activities of the trust is genuine.

3. **Record of Hearing**

3.1 The hearing in the matter took place before us on 25.03.2025, when the Ld. AR for and on the behalf of the assessee interalia contended that "**Impugned Order**" of Ld. CIT(E) is in violation of principles of natural justice and is therefore bad in law, illegal and not proper. It deserves to be set aside by this Tribunal in exercise of its appellate jurisdiction. The Ld. AR fairly conceded that no doubt donation details were

sought by Ld. CIT(E) at the material time but since the same were not available at the material time it could not be supplied however the same are available now and if this Tribunal is pleased to set aside the impugned order then in the proposed remand proceedings before CIT(E) they would submit the same without any demur. Per contra Ld. DR for and on behalf of the Revenue did not strongly oppose the contention of the Ld. AR and finally left it to this Tribunal to take appropriate call on this issue in accordance with law. In rejoinder Ld. AR submitted that they indeed regret non compliance on part of the assessee but asserted that in Audit Report donation amount could be seen as having been received through normal banking channels. The assessee has now compiled the details and that they are ready to submit the same.

4. **Observations, findings & conclusions.**

4.1 We now have to decide the legality, validity and propriety of the "Impugned Order" basis records of the case and contentions canvassed before us.

4.2 We have minutely perused records of the case and have heard the rival submissions.

4.3 We are of the considered opinion that since Ld. AR has under taken before us that the assessee would file all requisite details of donations as requisitioned by CIT (E) it would be just fair and convenient and in the interest of ends of justice that impugned order be set aside and matter be remanded back to file of CIT(E) to pass a fresh order on *denovo* basis after assessee has submitted all details as sought. Hence we set aside the “**impugned order**” as and by way of Remand on **denova** basis.

5.

Order

5.1 In the premises “**impugned order**” is set aside as and by way of remand on *denova* basis.

5.2 Appeal is allowed for statistical purpose.

Order pronounced in open court on 26.03.2025.

Sd/-

Sd/-

(BHAGIRATH MAL BIYANI)
ACCOUNTANT MEMBER

(PARESH M JOSHI)
JUDICIAL MEMBER

Indore

दिनांक /Dated : 26/03/2025

Dev/Sr. PS

Shri Sthankvasi Jain Sangh
ITA No. 431/Ind/2024 AY 2022-23

Copies to: (1) The appellant
(2) The respondent
(3) CIT
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

By order

Senior Private Secretary
Income Tax Appellate Tribunal
Indore Bench, Indore