

आयकर अपीलीय अधिकरण
पटना पीठ, कोलकाता में
**IN THE INCOME TAX APPELLATE TRIBUNAL
PATNA BENCH AT KOLKATA**

[वर्चुअल कोर्ट]
[Virtual Court]

श्री संजय शर्मा, न्यायिक सदस्य
एवं
श्री रकेश मिश्रा, लेखा सदस्य
के समक्ष
Before

**SHRI SONJOY SARMA, JUDICIAL MEMBER
&
SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**I.T.A. No.: 341/PAT/2023
Assessment Year: 2023-24**

Sidhi Welfare Society <i>(Appellant)</i>	Vs.	CIT, Exemption, Patna <i>(Respondent)</i>
PAN: AAHAS2737A		

Appearances:

Assessee represented by : Abhi Sarkar, AR.

Department represented by : Ashwani Kr. Singal, JCIT.

Date of concluding the hearing : January 28th, 2025

Date of pronouncing the order : April 3rd, 2025

ORDER

PER RAKESH MISHRA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of the Ld. Commissioner of Income Tax (Exemptions)-Patna [hereinafter referred to as the "Ld. CIT (Exemption)"] passed in respect of registration u/s 12A(1)(ac)(iii) of the Income Tax Act, 1961 (hereinafter referred to as "the Act") for AY 2023-24 dated 02.08.2023.



2. The assessee is in appeal before the Tribunal raising the following grounds of appeal:

- “1. For that the grounds of appeal hereto are without prejudice to each other.*
- 2. For that the order dated 09.11.2023 bearing DIN & Order No: ITBA/EXM/F/EXM45/2023-24/1057837096(1) in Form 10AD passed under Section 12AB of the Income Tax Act, 1961 (hereinafter called the Act) by the Commissioner of Income Tax, Exemption, Patna (hereinafter called the Adjudicating Authority), is bad both in law and on facts.*
- 3. For that the appellant was not given sufficient opportunity to put forth his contentions.*
- 4. For that the order of the Id. Adjudicating Authority is based on presumption, surmises and conjectures.*
- 5. For that the order of the Id. Adjudicating Authority is wholly perverse in as much as the same are contrary to and at variance with the materials available on record.*
- 6. For that the Id Adjudicating Authority has erred in not serving the notice of hearing to the appellant.*
- 7. For that the Id. Adjudicating Authority has erred in rejecting the application filed for grant of registration under sub clause (iii) of clause (ac) of sub-section (1) of section 12A of the Act.*
- 8. For that the Id. Adjudicating Authority has erred in cancelling the provisional registration granted u/s 12A(1)(ac) (vi) in Form 10AC dated 28.03.2022 with Unique Registration Number-AAAT17863FE20212 for AY 2023-24 to AY 2025-2026.*
- 9. For that the appellant shall place any other point/points at the time of hearing of the appeal.”*

3. Brief facts of the case are that the assessee had been issued Form No.10AC vide which provisional registration was granted on 28.02.2023 which was valid from AY 2023-24 to AY 2025-26. The assessee applied for registration u/s 12A(1)(ac)(iii) of the Act. The Ld. CIT (Exemption) enquired the assessee to furnish some documents vide notice issued on 02.08.2023. As per the order of the Ld. CIT (Exemption), no compliance was made by the assessee. Therefore, he inferred that the assessee has



not been maintaining books of account and had failed to prove the genuineness of the activities as claimed to have been carried out in accordance with the objects of the Trust and since the activities were found to be not genuine, the application filed in Form No. 10AB for grant of regular registration under subclause (iii) of clause (ac) of sub-section (1) of section 12AC of the Act was rejected and the provisional registration granted u/s 12A(1)(ac)(vi) of the Act in Form No.10AC on 28.02.2023 for AY 2023-24 to AY 2025-26 was also cancelled. Aggrieved with the cancellation order for provisional approval and rejection of the grant of approval for registration, the assessee is in appeal before the Tribunal.

4. Rival contentions were heard and the submissions made have been examined. It was submitted by the Ld. AR that the order of the Ld. CIT(Exemption) was *ex parte* and though earlier notice was complied with however, subsequent notices could not be complied with and the application was rejected. It was requested that the matter may be remanded back and an opportunity may be given to the assessee to file the details. Our attention was also drawn to page 3 para 3 of the order of the Ld. CIT (Exemption) in support of the claim that the letter was issued on 26.10.2023 for compliance by 06.11.2023 but without granting sufficient opportunity and without the assessee being able to submit the reply on account of the office bearers being on vacation of Durga Puja and also busy with school matter due to which the required details could not be filed, the application was rejected vide order dated 09.11.2023. It was submitted that if an opportunity is given, the required details available with the assessee will be filed and the matter was requested to be remanded back to the Ld. CIT(Exemption).



5. We have considered the submission and find that in the interest of justice and fair play and considering the facts and circumstances of the case that the rejection of application was made on account of non-compliance made by the city, another opportunity may be provided to the assessee. Hence, the order of the Ld. CIT (Exemption) cancelling the provisional registration and denying the final registration is hereby set aside and the matter is remanded back to him for deciding the application afresh after granting another opportunity of being heard. The assessee shall not seek unnecessary adjournments and shall file the required details, which shall be considered while deciding the application.

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

Order pronounced in the open Court on 3rd April, 2025.

Sd/-

[Sonjoy Sarma]
Judicial Member

Sd/-

[Rakesh Mishra]
Accountant Member

Dated: 03.04.2025

Bidhan (P.S.)



Copy of the order forwarded to:

1. **Sidhi Welfare Society, Rajendra Public School, Sidheshwar House, Mahatma Gandhi Nagar, Kankarbagh, Patna, Bihar, 800026.**
2. **CIT, Exemption, Patna.**
3. CIT(A)-
4. CIT-
5. CIT(DR), Patna Bench, Patna.
6. Guard File.

//True copy //

By order

Assistant Registrar
ITAT, Kolkata Benches
Kolkata