

आयकर अपीलिय अधिकरण, "ए" न्यायपीठ, चेन्नई।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
'A' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष  
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND  
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No. 3037/Chny/2024  
निर्धारण वर्ष /Assessment Years: -

Shivanugraha Trust,  
No.1301, Tower of Adyar,  
107-109, LB Road,  
Adyar,  
Chennai-600 020.  
[PAN: AANTS6383F]

Income Tax Officer,  
Non-Corp Ward-19(3),  
Chennai

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by

: Shri N.V.Balaji, Advocate

प्रत्यर्थी की ओर से /Revenue by

: Mr.Shivanand K Kalakeri, CIT

सुनवाई की तारीख/Date of Hearing

: 26.02.2025

घोषणा की तारीख /Date of Pronouncement

: 04.04.2025

**आदेश / ORDER**

**PER AMITABH SHUKLA, A.M :**

This appeal is filed by the assessee against the order bearing DIN & Order No.ITBA/EXM/F/EXM45/2024-25/1069280575(1) dated 30.09.2024 of the Learned Commissioner of Income Tax (Exemption). Through the aforesaid appeal the assessee has challenged order u/s EXM45 dated 30.09.2024 passed by CIT(E), Chennai.

2.0 The only issue in the present appeal is regarding the denial of registration u/s 80G by the PCIT(E). The Ld. Counsel for the assessee, submitted that the trust is into the activity of organizing Karnatic Music Concerts for promotion of Indian Art and Music. It was submitted that in the

said concerts awards are given to the talented and deserving artists. The Ld. Counsel submitted that CIT(E ) held the view that the trust is not acting in accordance with purposes of its objectives and therefore cannot be granted the registration u/s 80G. The Ld.CIT(E ) also found defects in the specific section / sub-section in which the application was made and hence proceeded to reject the application. The Ld. Counsel for the assessee submitted that as regards application quoting wrong section / sub-section, the assessee was helpless as in the present electronic working there was no option (drop down menu) to apply in the section / sub-section identified by CIT(E) in para 4.7 to 4.9 of his order. The Ld. Counsel for the assessee also submitted that the Revenue has not contested its 12A registration which it is enjoying as a charitable trust but has only chosen to deny exemption u/s 80G holding that it is not a charitable trust. It was argued that such a dichotomous situation cannot prevail where an entity is deemed as both a charitable trust as well as a non-charitable trust. Further, the appellant placed reliance upon the decision of this tribunal in the case of the Mylapore Fine Arts Club vide ITA No.1706/Mds/2010 dated 12.09.2011 where on identical facts the Hon'ble Coordinate Bench had accorded relief.

3.0 We have heard rival submissions in the light of material available on records. We have noted that a Hon'ble Coordinate Bench of this tribunal in the case of Mylapore Fine Arts Club vide ITA No.1706/Mds/2010 dated 12.09.2011 as observed has under:-

“...4. The assessee is carrying on the activities of organising cultural activities in the city of Chennai. The assessee is indulged in carrying on such activities on a regular basis, which mainly include conducting of dance and music programmes of reputed performers and musicians. The assessee is giving more importance to the promotion of classical Carnatic Music and classical dance forms of South India. There is no dispute regarding the above facts.

5. Now, the question is whether the above stated activities would amount to charitable activities in the nature of advancement of any other object of general public utility. The State of Tamil Nadu is the land of music, dance and classical arts. The people of Tamil Nadu are really endearing themselves to attend Carnatic music, concerts, classical dance performances, etc. Dance and music are an integral part of the cultural life of the people of Tamil Nadu. Therefore, activities promoting the perseverance and advancement of such arts and culture are in the nature of activities carried on for the purpose of advancement of objects of general public utility. The assessee is a charitable trust. It has been given registration under section 12A of the Income-tax Act, 1961. The assessee is enjoying the benefits available under section 11 of the Income-tax Act, 1961. There is no case against the assessee that it is carrying on activities for making profit. There is no case that the surplus of the assessee trust is diverted for the personal user of any of the trustees or interested parties.

6. In the modern society, perseverance and advancement of traditional and classic forms of music and arts cannot be achieved without the support of the public. Government alone cannot support such activities. Participation of the public is essential. Therefore any contribution made to such organizations by the members of public has to be treated as contribution for a public cause. The assessee trust is receiving contributions in the above spirit.

7. The Director of Income-tax(Exemptions) has made an observation that the activities of the assessee society are that of sale of tickets and renting of hall. The assessee is organising cultural programmes. That is the main activity of the society. Hall is rented for the performance of such programmes. Tickets are sold because some of the cost has to be borne by the public, as organising of such programmes involves heavy amount of cost.

8. We find that this is a fit case where approval under section 80G should be granted. The Director of Incometax(Exemptions) is directed to pass orders granting approval to the assessee under section 80G of the Act....”

4.0 We have noted that the facts of the present case are identical to those in the case of Mylapore Fine Arts Club supra. The Revenue could not allude any distinguishment of facts. Accordingly, in respectful compliance to the decision of Hon’ble Tribunal as well as for

the principles of consistency, we are of the considered view that this is a fit case where approval under section 80G should be granted. The CIT(E ) is directed to pass orders granting approval to the assessee under section 80G of the Act. Accordingly, all the grounds of appeal raised by the assessee are allowed.

5.0. In the result, the appeal of the assessee is allowed.

Order pronounced on 4<sup>th</sup> , April-2025 at Chennai.

**Sd/-**

**( एबी टी. वर्की )**

**(ABY T VARKEY)**

**न्यायिक सदस्य / Judicial Member**

**Sd/-**

**(अमिताभ शुक्ला)**

**(AMITABH SHUKLA)**

**लेखा सदस्य /Accountant Member**

**चेन्नई/Chennai, दिनांक/Dated: 4<sup>th</sup> , April-2025.**  
**KB/-**

**आदेश की प्रतिलिपि अग्रेषित/Copy to:**

- 1. अपीलार्थी/Assessee:**
- 2. प्रत्यर्थी/Revenue**
- 3. आयकर आयुक्त/CIT - Chennai**
- 4. विभागीय प्रतिनिधि/DR**
- 5. गार्ड फाईल/GF**