

THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD "B" BENCH

**Before Dr. B.R.R. Kumar, Vice President
And Ms. Suchitra Kamble, Judicial Member**

**ITA Nos. 117 & 118/Ahd/2025
Assessment Year N.A.**

Agastya Foundation, 91 Aman Height Opp Prasant Society Nr. Ishwar Park, Navrangpura PAN: AAHTA4350N (Appellant)	Vs	The CIT(E), Ahmedabad (Respondent)
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**Assessee by: Shri Vivek Chavda, A.R.
Revenue by: Shri V. Nandakumar, CIT-D.R.**

Date of hearing : 16-04-2025
Date of pronouncement : 22-04-2025

आदेश/ORDER

Per Suchitra Kamble, Judicial Member:

These two appeals are filed against the separate orders dated 13-11-2024 & 15-11-2024 respectively passed by CIT (Exemption), Ahmedabad for assessment year N.A.

2. The grounds of appeal are as under:-

ITA No. 117/Ahd/2025

"1.1 The learned CIT(Exemption) erred in law and on facts in rejecting the appellant's application for registration under section 12AB of the Income Tax Act 1961 by order dtd 13.11.2024.

1.2 The learned CIT(Exemption) erred in cancelling the provisional registration granted to the appellant under section 12AB(1)(c) without providing sufficient and specific opportunity to the

appellant to present its case. Therefore, the appellant shall be granted opportunity to produce additional evidences.

1.3 The learned CIT(Exemption) erred in treating non-response to email notices as non-compliance when:

(a) The trustees had already demonstrated their compliance by submitting all required documents with Form 10AB

(b) The inability to respond to notices was due to practical difficulties in accessing email not willful non-compliance

(c) The trust has consistently maintained transparency in its operations.

1.4 The learned CIT(Exemption) erred in rejecting the application solely on the ground of non-submission of a note on activities and other unspecified details, without:

(a) Considering the documents already submitted with the Form 10AB application

(b) Examining the objects and activities mentioned in the trust deed

(c) Verifying the documents on record financial statements and other documents on record

1.5 The learned CIT(Exemption) failed to appreciate that mere non-submission of additional information within the short time provided does not justify rejection of registration under section 12AB, especially when provisional registration was already granted earlier.

1.6 Without prejudice to the above, the learned CIT(Exemption) erred in directing computation of tax liability under section 115TD without appreciating that said provision is not applicable in case of rejection of application for registration.

It is therefore prayed that the appellant may please granted registration u/s 12AA in the interest of natural justice considering the eccentric facts of the case.”

ITA No. 118/Ahd/2025

“1.1 The learned CIT(Exemption) erred in law and on facts in rejecting the appellant's application for registration under section 80G of the Income Tax Act, 1961 by order dated 15.11.2024.

1.2 The learned CIT(Exemption) erred in rejecting the application without considering:

(a) The validity of prior registration applications

(b) The documents already submitted with Form 10AB

(c) The trust's charitable activities and objectives.

2.1 The learned CIT(Exemption) erred in mechanically applying the Gujarat High Court decision without appreciating the distinguishing facts of the present case.

2.2 The learned CIT(Exemption) erred in not providing adequate opportunity to the appellant to present its case regarding the status of its section 12A registration.

2.3 The learned CIT(Exemption) failed to appreciate that rejection of a section 12A application cannot automatically lead to rejection of section 80G registration without independent examination of the merits.

It is therefore prayed that the appellant may please be granted approval of registration u/s 80G in the interest of Justice considering the facts and circumstances of the case.”

3. The facts of the case are that the applicant is a Public Charitable Trust and the activities of the trust are charitable within the meaning of section 2(15) of the I.T. Act. The applicant trust filed the application in Form 10AB on 30-06-2024 for registration u/s. 12AB of the Income Tax Act, 1961. Notices were issued from time to time requesting to furnish details/documents. The CIT(E) rejected the application of the applicant vide order dated 13-11-2024. On 15.11.2024, the CIT(Exemption) rejected the application under Section 80G of the Act as well. Aggrieved by the order of the CIT(E), the applicant trust filed appeal before the Tribunal.

4. At the time of hearing, the Ld. AR submitted that the trustees being senior citizens with limited familiarity with digital

communications, were unable to regularly access and monitor the email account where these notices were sent. Consequently, they became aware of these communications only after considerable delay. Nevertheless the documents requested in the notices were, in fact, already attached with the original Form 10AB application, as evidenced by the e-filing acknowledgment dated 30.06.2024, which confirms submission of trust deed, audit reports, and other supporting documentation. Thus, the Ld AR submitted that the matter may be remanded for proper adjudication of the issues, after verifying the documents by the CIT(Exemption).

5. The Ld DR relied upon the order of the CIT(Exemption).

6. We have heard both the parties and perused all the relevant material available on record. It is pertinent to note that the CIT(Exemption) has not taken into account the documents filed by the appellant along with the Form 10AB application. Thus, the matter is remanded to the file of the CIT(Exemption) for proper verification of the details filed by the appellant trust and adjudicate the same as per Income Tax Act in respect of applications under Section 12AB and Section 80G as well. The appellant trust/ assessee be given opportunity of hearing by following the principles of natural justice.

7. In result, both the appeals of the appellant trust/ assessee are partly allowed for statistical purpose.

Order pronounced in the open court on 22-04-2025

Sd/-
(Dr. BRR Kumar)
Vice President

Sd/-
(Suchitra Kamble)
Judicial Member

Ahmedabad : Dated 22/04/2025

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
अहमदाबाद