



**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH “DB”, JABALPUR**

**BEFORE SHRI KUL BHARAT, VICE PRESIDENT AND
SHRI, NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA No. 47/JAB/2024
Assessment Year: 2024-25

Gosal Sagar Helping Hand Foundation C/o Mujahid Ansari & Co., Mominpura Street, Gohalpur-482002.	v.	CIT Exemption Income Tax Department, CIT Exemptions, Bhopal (MP).
PAN:AAGAG6146G		
(Appellant)		(Respondent)

Appellant by:	None
Respondent by:	Shri Alok Bhura, Sr. CIT(DR)
Date of hearing:	20 05 2025
Date of pronouncement:	21 05 2025

ORDER

PER KUL BHARAT, VICE PRESIDENT.:

This appeal, filed by the assessee, against the impugned order dated 08/06/2023 of learned Commissioner Income Tax (Exemption), Bhopal [hereinafter referred as to “Ld.CIT(E)”] rejecting the application of the assessee for registration u/s 80G of the Income Tax Act, 1961 (“the Act”, for short) for the assessment year 2024-25. The Assessee has raised the following grounds of appeals: -

“1. The appellant, Gosal Sagar Helping Hands Foundation, hereinafter referred to as the ‘Appellant’, is aggrieved by the order dated 27.09.2023 passed by the Commissioner of Income Tax, Exemption [CIT(Exemption)] - Bhopal, hereinafter referred to as the ‘Respondent’, rejecting the application for permanent registration under Section 80G(5) of the Income Tax Act, 1961.

2. The Appellant, incorporated on 02.11.2020, obtained provisional registration under Section 80G(5) of the Income Tax Act, 1961, in Form 10AC on 28.11.2021. Pursuant to this, the Appellant duly filed Form 10AB under Clause (iii) of the First Proviso to Section 80G(5) of the Act on 11.04.2023, with the intent of securing permanent registration under Section 80G(5) of the Act.

3. However, the Respondent has rejected the application contending that the time limit for filing Form 10AB is within six months from the activities stated by the Appellant trust. The Respondent further argues that this deadline was extended by CBDT Circular No. 8/2022 dated 31.03.2022, up to 30.09.2022.

4. The crux of the matter lies in the misunderstanding regarding the deadline extension. The Appellant was under an honest belief that the deadline was extended until 30.09.2023, as per Circular No. 06/2023 dated 24.05.2023, issued by the Central Board of Direct Taxes (CBDT).

5. It is pertinent to note that Circular No. 06/2023 dated 24.05.2023, explicitly extended the deadline for filing Form 10AB until 30.09.2023, vide which the CBDT has extended the date of filing in such cases as per Para 5(ii) and gave relaxation only for the applications filed under section 12A(1)(ac)(iii) and clause (iii) of first proviso to 10(23C) of the Act. The Appellant, relying in good faith on this circular and understood that it shall also apply in filing of form 10AB for obtaining permanent registration u/s 80G(5) of the Income Tax Act and filed the requisite form within the extended period.

6. The rejection of the Appellant's application solely on the basis of an incorrect interpretation of the deadline extension is unjust and arbitrary. The Appellant acted in good faith and complied with the provisions of law as per their understanding of the deadline extension.

7. Therefore, the rejection of the Appellant's application by the Respondent is against the principles of natural justice, equity, and fair play.

8. In view of the above, the Appellant respectfully prays before this Hon'ble Tribunal that the order of the Respondent [CIT(exemption)] rejecting the application for permanent registration under Section 80G(5) of the Income Tax Act, 1961, be set aside, and the Appellant be granted permanent registration accordingly. Alternatively, the matter may kindly be remanded back to the CIT(exemption) for fresh adjudication after affording the Appellant a fair opportunity of being heard.

9. Any other relief deemed fit by this Honorable Tribunal may kindly be granted in the interest of justice.

10. The Appellant craves leave to add, alter, amend, or delete any of the grounds of appeal and to produce any further evidence, whether oral or documentary, in support of the appeal at the time of hearing.

11. Additionally, there is a delay of 127 days in filing the appeal before the Hon'ble Tribunal due to the Appellant's misunderstanding of the appropriate legal remedy against the rejection order. Initially, the Appellant erroneously filed an appeal before the CIT (Appeal) against the rejection order. Upon receiving professional advice from their counsel, the Appellant realized the proper course of action and is now filing this appeal before the Hon'ble Tribunal.

12. The Appellant sincerely requests the Hon'ble Tribunal to condone the delay in filing the appeal and accept it for further hearing in the interest of justice.”

2. At the outset, the Ld. Authorized Representative of the assessee has filed a letter dated 16.01.2025 seeking withdrawal of this appeal. The relevant contents thereof are reproduced herein for the sake of clarity: -

“1. The said appeal was filed on 01.04.2024 challenging the rejection order passed by Commissioner of Income Tax (Exemption) Bhopal, under section 80G of the Income Tax Act, 1961. The grounds of appeal were based on the basis of an incorrect interpretation of the deadline extension and against the principles of natural justice, equity, and fair play.

However, it is brought to your kind attention that the Central Board of Direct Taxes (CBDT) has subsequently issued a Circular No.07/2024 dated 25.04.2024, which provides relief regarding the specific matter under dispute. The relief granted by the CBDT Circular has resolved the issue raised in the appeal, rendering the continuation of this appeal unnecessary.

In the light of the above, we humbly request the Hon'ble ITAT to kindly permit the withdrawal of the appeal reference above.

We remain grateful for the Tribunal's time and understanding in this matter.

Prayer:

We respectfully pray that the Hon'ble Tribunal may kindly:

1. Take this letter of withdrawal on record.
2. Permit the appellant to withdraw the said appeal.”
3. The Learned Departmental Representative for the Revenue has no objection for withdrawal of this appeal.
4. In view of the submissions made hereinabove, we permit the assessee to withdraw this appeal. Accordingly, the appeal is dismissed as withdrawn.
5. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open Court on 21/05/2025.

Sd/-
[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER

Sd/-
[KUL BHARAT]
VICE PRESIDENT

DATED: 21/05/2025

Vijay Pal Singh, (Sr. PS)

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT (Judicial)
4. The PCIT
5. DR, ITAT, Jabalpur
6. Guard File

By order

// True Copy//

Assistant Registrar
ITAT, Jabalpur