

आयकर अपीलिय न्यायाधिकरण में, हैदराबाद 'बी' बेंच, हैदराबाद
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'B' Bench, Hyderabad

श्री मंजूनाथ जी, माननीय लेखा सदस्य एवं श्री रवीश सूद, माननीय न्यायिक सदस्य
SHRI G. MANJUNATHA, HON'BLE ACCOUNTANT MEMBER
AND
SHRI RAVISH SOOD, HON'BLE JUDICIAL MEMBER

आयकर अपील सं./I.T.A.No.94/Hyd/2025

Om Sri Krishna Goshala Welfare Society, 2-4-65, Dabala Bazar Khammam 507003 Telangana. PAN: AABAO0719L	Vs.	CIT(Exemption), Ward 1(3) O/o CIT(Exemption), Ward 1(3), Hyderabad, Telangana- 500004.
(अपीलार्थी/ Appellant)		(प्रत्यर्थी/ Respondent)

करदाता का प्रतिनिधित्व/ Assessee Represented by	:	Shri. YV Bhanu Narayan Rao, CA
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Smt. M Narmada, CIT-DR
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	06.05.2025
घोषणा की तारीख/ Date of Pronouncement	:	22.05.2025

ORDER

प्रति रवीश सूद, जे.एम./PER RAVISH SOOD, J.M.

The present appeal filed by the assessee society is directed against the order passed by the Commissioner of Income Tax (Exemptions), Hyderabad [for short, "CIT(Exemptions)"] dated 26.02.2024 rejecting the application filed by the assessee society for

registration under Section 12AB of the Income Tax Act, 1961 (for short, "Act"). The assessee society has assailed the impugned order on the following grounds of appeal before us:

"1. On the facts and in the circumstances of the case the order of the learned CIT(Exemptions), Hyderabad rejecting the application filed for registration u/s 12AB of the IT Act, 1961 is erroneous and bad in law.

2. On the facts and in the circumstances of the case the order of the learned CIT(Exemptions), Hyderabad ought to have granted registration u/s 12AB of the IT Act, 1961 as sought by the appellant society.

3. On the facts and in the circumstances of the case the order of the learned CIT(Exemptions), Hyderabad ought to have considered the fact that the Appellant Society is running and maintain a Goshala and the said activity has been held to be for charitable purposes by courts of the land and as such is eligible for registration u/s 12AB of the IT Act, 1961.

4. On the facts and in the circumstances of the case the order of the learned CIT(Exemptions), Hyderabad erred by summarily rejecting the application by stating that no substantial activities which are charitable in nature are being carried out by the assessee."

5. Any other ground or grounds that the appellant may urge at the time of hearing."

2. Succinctly stated, the assessee is a society registered under the Andhra Pradesh Societies Registration Act, 2001, on 18.11.2014. The assessee society is engaged in running a *Goshala* (cow shelter) with the principal object of maintenance, feeding, treatment, and overall care of cows and other stray or rescued cattle, including those saved

from illegal slaughter. The assessee society receives voluntary donations from individuals for the furtherance of this noble cause.

3. The assessee society was initially granted provisional registration under Section 12A(1)(ac)(vi) of the Act on 27.05.2021 for the period covering Assessment Years (AY) 2021-22 to 2023-24. Subsequently, by an inadvertent duplication of procedure, it again applied for registration on 10.03.2022 and was once again granted provisional registration vide "Form 10AC" dated 17.03.2022 for the period covering AYs 2022-23 to 2024-25.

4. Thereafter, the assessee society had filed an application for regular registration under Section 12AB in "Form 10AB" on 25.09.2023. The application was accompanied by a comprehensive set of documents, including its certificate of registration, original and amended bye-laws, activity notes, and annual accounts. However, the CIT(Exemptions), Hyderabad rejected the application on 26.02.2024 citing lack of documentary evidence.

5. On appeal, the Tribunal remanded the matter to the CIT(Exemptions) directing him to examine the documents available on record and afford an opportunity to the assessee society to produce

any further material necessary for verifying the genuineness of its activities and objects.

6. During the course of the set-aside proceedings, the assessee society is stated to have filed with the CIT(Exemption) the documents and information as was requisitioned by him, viz. (i) Audited financial statements for FYs ending 31.03.2021, 31.03.2022, and 31.03.2023; (ii). Income tax returns for AYs 2021-22 to 2023-24; (iii). Bank statements for the corresponding financial years; (iv). Copy of provisional registration orders; (v). Copy of Form 10AB and the earlier rejection order; (vi) Copy of the ITAT order remanding the case to his file; (vii). Cash flow statements and expenditure details; and (viii). Ledger accounts for major expenditure items. However, the CIT(Exemptions), despite providing the aforesaid documents by the assessee society, vide a non-speaking order dated 07.12.2024, once again rejected the application stating that *"no substantial activities which are charitable in nature are being carried out by the assessee. which is in violation of the provisions of section 12AB of the IT Act, 1961."*

7. Aggrieved, the assessee society has assailed the order passed by the CIT(Exemption), dated 07.12.2024, declining registration u/s 12AB of the Act. The assessee society has filed an application under

Rule 29 of the Appellate Tribunal Rules, 1963, seeking admission of some documents/copies of photographs as additional evidence before us, which includes, viz. (i). copies of photographs of various charitable activities carried out; (ii). documents relating to cattle handed over to the assessee society by the police; (iii). documents relating to handing over of rehabilitated cattle to farmers; and (iv). details of cows handed over to temples. As the additional evidence filed by the assessee society is relevant to establishing the genuineness of its activities, therefore, we admit the same.

8. We have heard the Ld. Authorized Representatives of both parties, perused the orders of the CIT(Exemption), Hyderabad and the material available on record, as well as considered the judicial pronouncements pressed into service by the ld. AR.

9. Admittedly, the assessee society is engaged in the rescue, care, and rehabilitation of cows and stray animals — an activity that squarely falls within the definition of “charitable purpose” under Section 2(15) of the Act. Our view is fortified by the judgments of the **Hon'ble High Court of Bombay** in the case of **DIT(Exemption) v. Bombay Panjrapole Trust (ITA No. 817 of 2013)** and **Vallabhbai Karsondas Natha v. CIT (1947) 15 ITR 32 (Bom)**, wherein it was observed that maintenance and feeding of cattle is a charitable and

religious activity, especially in the context of Indian traditions and jurisprudence.

10. We note with concern that despite a specific direction by the Tribunal to consider the documents already filed and provide an opportunity to the assessee, the CIT(Exemptions) has once again passed a cryptic and non-speaking order, wherein the application filed by the assessee society for regular registration u/s 12AB has been rejected by merely stating that no substantial activities which are charitable in nature are being carried out. This conclusion is *prima facie* contrary to the material placed on record and also fails to comply with the earlier directions that were given while setting aside the matter to his file. The manner in which the application filed by the assessee society for registration u/s 12AB of the Act had been summarily rejected by the CIT(Exemption) is deprecated.

11. We thus, in terms of our aforesaid observations are of a firm conviction that the rejection of the application filed by the assessee society for registration under Section 12AB is both unjustified and premature. Accordingly, we are both constrained and pained to once again set aside the order dated 26.02.2024 passed by the CIT(Exemptions), Hyderabad, and restore the matter to his file with a direction to pass a fresh speaking order after duly considering the

documents already submitted by the assessee society before him as well as the additional evidence filed before us, and also any other material/document that it may deem necessary in the course of the set-aside proceedings.

12. Needless to say, the assessee society in the course of the set-aside proceedings shall be given a reasonable opportunity of being heard. The **Grounds of appeal Nos. 1 to 4** are disposed of in terms of our aforesaid observations.

13. The **Ground of appeal No. 5** being general is dismissed.

14. Resultantly, the appeal filed by the assessee society is allowed for statistical purposes.

Order pronounced in the Open Court on 22nd May, 2025.

Sd/- (मंजूनाथ जी) (MANJUNATHA G.) लेखा सदस्य/ACCOUNTANT MEMBER	\Sd/- (श्री रवीश सूद) (RAVISH SOOD) न्यायिक सदस्य/JUDICIAL MEMBER
---	--

Hyderabad, dated 22.05.2025.

आदेशकी प्रतिलिपि अग्रेषित/ Copy of the order forwarded to:-

1.	निर्धारिती/The Assessee	:	Om Sri Krishna Goshala Welfare Society, 2-4-65, Dabala Bazar Khammam 507003
----	-------------------------	---	---

			Telangana.
2.	राजस्व/ The Revenue	:	CIT(Exemption), Ward 1(3) O/o CIT(Exemption), Ward 1(3), Hyderabad, Telangana- 500004.
3.	The Principal Commissioner of Income Tax, Hyderabad.		
4.	विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, हैदराबाद / DR, ITAT, Hyderabad		
5.	The Commissioner of Income Tax		
6.	गार्डफ़ाईल / Guard file		

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Hyderabad*By Order*