

**IN THE INCOME-TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT  
BEFORE MS. SUCHITRA RAGHUNATH KAMBLE, JUDICIAL MEMBER &  
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

**आयकर अपील सं./ITA No.240/SRT/2025**

**(Assessment Year: 2025-26)**

**(Hybrid Hearing)**

Samast Vaishnav Vanik Parivar Surat, U 25 & 26, 1 <sup>st</sup> Floor, Escon Plaza, Anand Mahal Road, Adajan, Surat – 395009, Gujarat	<b>Vs.</b>	CIT (Exemption), Ahmedabad
स्थायीलेखासं./जी आइ आर सं./PAN/GIR No: <b>AANTS7032B</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Appellant by</b>	Shri P. M. Jagasheth, CA
<b>Respondent by</b>	Shri Aashish Pophare, CIT-DR
<b>Date of Hearing</b>	02/06/2025
<b>Date of Pronouncement</b>	04/06/2025

**आदेश / ORDER**

**PER BIJAYANANDA PRUSETH, AM:**

This appeal by assessee emanates from the order dated 28.12.2024, passed by the Commissioner of Income-tax (Exemption), Ahmedabad [in short, 'CIT(E)'], wherein the CIT(E) rejected the application filed in Form No.10AB for approval u/s 80G(5)(iii) of the Income-tax Act (in short, 'the Act').

2. The grounds of appeal raised by assessee are as under:

*"1. On the facts and in the circumstances of the case as well as the law on the subject, the learned Commissioner of the Income Tax (Exemption), Ahmedabad has erred in rejecting Application file in form 10AB for registration u/s. 80G(5)(iii) of the Income Tax Act, 1961 and the provisional approval u/s.80G(5)(iii) granted earlier has also been cancelled.*

*2. On the facts and in the circumstances of the case as well as the law on the subject, the learned Commissioner of the Income Tax (Exemption), Ahmedabad*

*has erred in not granting adequate opportunity to hear and passed the order, hence, the principal of natural justice is not Abide.*

*3. On the facts and in the circumstances of the case as well as the law on the subject, the appellant Trust is qualifying for registration u/s. 80G(5)(m) of the Income Tax Act, 1961.*

*4. It is therefore prayed that the CIT (Exemption) should be directed passed u/s. 80G(5)(iii) of the Income Tax Act, may please be set aside to the file of the CIT (Exemption) with appropriate direction.*

*5. Appellant craves leave to add, alter or delete any ground(s) either before or in the course of the hearing of the appeal.”*

3. The brief facts of the case are that the assessee-trust filed an application for approval under clause (iii) of first proviso to sub-section (5) of section 80G of the Act in Form no.10AB electronically. The CIT(E) issued notices on 05.10.2024 and 13.12.2024. He has discussed legal background of Rule 11AA(1), 11AA(2) along with section 80G(5) of the Act. He noted that the date of application for registration for approval in Form No.10AB was 27.06.2024 and the date of provisional approval was 07.04.2022 for the period from 07.04.2022 to AY.2024-25. Thereafter, the CIT(E) examined the objects of the trust and held that the objects of the trust are to uplift Pushtimargiya Vaishnav Vanik people socially, economically, educationally and to carry on activities of public welfare and other activities for members and Vaishnav Vanik people, which contravenes main condition of clause (iii) of sub-section (5) of section 80G(5) of the Act. He held that objects of assessee trust are confined for the benefit of the particular religious community or caste not for the benefit of public at large. Hence, the applicant is not entitled to get approval u/s 80G(5) of the Act and therefore,

application in Form No.10AB for approval under clause (iii) of sub-section (5) of section 80G(5) of the Act was cancelled.

4. Aggrieved by the order of CIT(E), the assessee filed appeal before the Tribunal. The learned Authorized Representative (Id. AR) of the assessee submitted that the assessee had not received the notices issued by the CIT(E) on 05.10.2024 and 13.12.2024 and hence, the assessee could not file the documents. He submitted that CIT(E) has seen only object No.1 and 2 and did not discuss object No.3 and other objects. The CIT(E) is required to see the total objects of the assessee-trust and not restrict himself to only one or two objects. The assessee is engaged in carrying out various charitable activities such as educational, medical, socially beneficial activities and activities of human welfare without any discrimination of race and caste. He referred to pages 1 to 13 of the paper books and submitted that it could be ascertained from a total reading of objects that it is not restricted to any religious community or caste. The Id. AR relied on the decisions in cases of SVNIT Alumni Association Surat Chapter vs. CIT(E), ITA No.1076 & 1077/SRT/2024, Navsari Bazar and Sagrampura Surati Modh Ganchi Vanik Punch vs. CIT(E), ITA No.1131/SRT/2024, Shree Surat Rana Samaj vs. CIT(E), ITA No.1141 & 1142/SRT/2024, Saurashtra Kadva Patidar Seva Samaj vs. CIT(E), ITA No.912/SRT/2024, Shah Gulabchand Mulchand Shree Parshwanath Trust vs. CIT(E), 165 taxmann.com 731 (Surat – Trib.), Shree Bhandari Gnyati Mandal vs. CIT(E), ITA No.1503/AHD/2024, Parul

University Alumni Association vs. CIT(E), ITA No.70/AHD/2024 and Life Line United Foundation vs. CIT(E), ITA No.51 & 50/SRT/2025.

5. On the other hand, learned Commissioner of Income-tax - Departmental Representative (Id. CIT-DR) for the revenue supported the order of CIT(E). He would, however, have no objection if the matter is remitted to the file of the CIT(E) for fresh adjudication.

6. We have heard both the parties and perused the materials available on record. We note that assessee-trust could not plead its case before the CIT(E) by submitting explanation and other details/documents as requisitioned by the CIT(E) vide his notices dated 05.10.2024 and 13.12.2024. The CIT(E) passed an order based on materials available in the application for registration of the trust u/s 80G(5) of the Act. The reasons for not filing further details have been properly explained by the Id. AR. The Id. CIT-DR has also no objection, if matter is remitted to the CIT(E). Considering all these facts, we are of the view that one more opportunity should be given to the assessee to plead its case before the CIT(E). It is settled law that principles of natural justice require that the affected party is granted sufficient opportunity of being heard to present his case. Therefore, without delving deeper into the merits of the case, in the interests of justice, we set aside the order of CIT(E) and restore the matter to the file of CIT(E) for fresh adjudication and pass a speaking order after affording sufficient opportunity of being heard to the assessee. The assessee is directed to furnish

its submission and the relevant details/documents before the CIT(E). For statistical purposes, the appeal of the assessee is treated as allowed.

7. In the result, appeal of the assessee is allowed for statistical purposes.

Order is pronounced under provision of Rule 34 of ITAT Rules, 1963 on 04/06/2025.

Sd/-  
(SUCHITRA R. KAMBLE)  
JUDICIAL MEMBER

Sd/-  
(BIJAYANANDA PRUSETH)  
ACCOUNTANT MEMBER

Surat  
दिनांक/ Date: 04/06/2025  
SAMANTA

**Copy of the Order forwarded to:**

1. The Assessee
2. The Respondent
3. The CIT(A)
4. CIT
5. DR/AR, ITAT, Surat
6. Guard File

**// TRUE COPY //**

By Order

Assistant Registrar/Sr. PS/PS  
ITAT, Surat