

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ‘ DB-B ‘ Bench, Hyderabad

Before Shri Vijay Pal Rao, Vice-President
A N D
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA Nos.373 & 374/Hyd/2025**

Chaganam Lalithamma & Bhaskar Rao Memorial Trust, Hyderabad PAN:AACTC8344D	Vs.	Dy.CIT Circle 5 (1) Hyderabad
(Appellant)		(Respondent)
निर्धारिती द्वारा/Assessee by: Shri P Vinod, Advocate		
राजस्व द्वारा/Revenue by:: Shri Narender Kumar Naik, CIT(DR)		
सुनवाई की तारीख/Date of hearing: 05/06/2025		
घोषणा की तारीख/Pronouncement: 05/06/2025		

आदेश/ORDER

Per Vijay Pal Rao, Vice President

These 2 appeals by the assessee are directed against the 2 separate orders dated 7/12/2024 and 11/12/2024 of the learned CIT (Exemption) whereby the application for registration u/s 12AB and approval u/s 80G of the Act were rejected.

2. There is a delay of 1 day in filing these two appeals. The assessee has filed a petition for condonation of delay which is supported by an affidavit of the assessee.

3. We have heard the learned AR as well as the learned DR on condonation of delay of 1 day and perused the contents of

the affidavit filed by the assessee. The Managing Trustee of the assessee has explained the cause of delay in the affidavit as under:

I, Ch. Gowri Shankar, S/o. Sri Late Bhasker Rao Chaganam, aged about 60 years, R/o. Hyderabad, do solemnly affirm and state as under:

1. I am the Managing Trustee of Appellant herein and as such I am well aware of the facts of the case and competent to depose to the contents of this affidavit.
2. The impugned order passed by the Hon'ble CIT(Exemptions) on 07.12.2024 is received on the same day and that the appeal should have been filed before the Hon'ble Tribunal on or before 28.02.2025. However, the same is filed on 01.03.2025 with a delay of 1 day.
3. It is submitted that I was not well and was not in the office in the last week of February, 2025, though the appeal is prepared on my instructions, Form 36 could not be generated as the required appeal fee was not paid. It is only on 01.03.2025 when I approached the counsel, the appeal fee is paid, form 36 generated and the appeal is filed on 01.03.2025, however with a delay of 1 day in filing the appeal.
4. Accordingly, having considered the reasons explained by the assessee, we are satisfied that the assessee was having sufficient cause for the delay of one day in filing this appeal and therefore, the same is condoned.

5. The assessee has raised the following grounds of appeal:

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"1. The order of the Ld. CIT(E) is erroneous both on facts and in law, is passed in gross violations of principles of natural justice.

2. The Ld. CIT(E) erred in disposing of application for registration under section 12AB of the Act without any finding.

3. Any other ground that may be urged at the time of hearing."

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“1. The order of the Ld. CIT(E) is erroneous both on facts and in law, is passed in gross violations of principles of natural justice.

2. The Ld. CIT(E) erred in not granting approval u/s.80GG of the Act on the alleged ground that no substantial activities which are charitable in nature are being carried out by the Appellant, and that the same are in violation of the provisions of Section 80G of the Act.

3. The Ld. CIT(E) erred in not mentioning which are the activities carried out by the Appellant are not charitable in nature and thereby erred in passing cryptic order rejecting the application filed under Form 10AB for grant of registration u/s.80G of the Act.

4. Any other ground that may be urged at the time of hearing.”

6. At the time of hearing, the learned AR of the assessee has pointed out that the impugned order dated 7/12/2024 is not a complete order and there is no finding given by the learned CIT (E) in the said order. Thus, the learned AR has submitted that non-grant of registration to the assessee and passing an incomplete order is not sustainable in law and liable to be set aside.

7. The learned DR has not disputed the fact that there is mistake in the impugned order as the concluding part in the order is missing.

8. Having considered the rival submission and careful perusal of the impugned order, we find that the learned CIT (E) has passed the impugned order as under:

The assessee has filed an e-application in Form No.10AB seeking registration u/s 12AB of the Income-Tax act, 1961.

2. Notices were issued in respect of proceedings u/s 12A(1)(ac)(iii) to the address mentioned in the Form 10AB to produce the copy of Memorandum of Association/Trust deed for verification and to furnish a detailed reply on the specific information called for in the said notice. In response to the same, the assessee has submitted partial information only. In this regard, another notice dated 06.11.2024 as a final opportunity was issued to the assessee to submit the other information also along with the reply to the above notices including relevant documentary evidences. The contents of the said notice are reproduced as under;

- **The cash flow statement/financial statement indicated in the objectives of clause.**
- **Copy of latest 3 months GST returns.**
- **List of donors in respect to 80G claim.**
- **Furnish the documentary evidences with regard to expenditure incurred for the objectives as per trust deed/MOA.**

~~Submit all the information either personally or through your authorized representative on or before 13.11.2024 at 11:00 A.M. Please note that this is final opportunity to file the information as requested vide this office notice referred above. If you fail to appear/file information as asked for, the case will be decided on the material available on record and no further opportunity will be accorded. You are further informed that, as the disposal of case is time bound, no further adjournments are possible in your case. Filing of information online (hyderabad.cit.exmp@incometax.gov.in) or by speed post/registered post with acknowledgement also will be treated as compliance to this letter, provided, all the information as called for is submitted."~~

VENKATA GOPINATH CHAVALI
CIT(EXEMPTION), HYD

TRUE COPY

Copy to:

P. VINOD, Advocate

1. The Addl./Joint Commissioner of Income Tax- RANGE 5, HYDERABAD

9. Thus, it is clear that after reproducing the notice issued by the learned CIT (E) to the assessee, there is no finding given in the order which is apparently an incomplete and inconclusive order passed by the CIT(E). Thus, the impugned order without giving the concluding finding is non-est one and liable to be set aside. We order accordingly. Since the learned CIT (E) has not decided the application of the assessee seeking registration u/s 12AB by a proper and valid order, therefore, the

matter is remanded to the record of the CIT (E) for re-consideration of the application and deciding the same by a speaking order on the basis of the relevant facts as well as the documents/details filed by the assessee.

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10. In the appeal against the rejection of application for grant of approval u/s 80G of the Act, the learned AR of the assessee has submitted that the learned CIT (E) has rejected the application on the ground that no substantial charitable activities are being carried out by the assessee. The learned AR has submitted that this finding of the learned CIT (E) is without considering the relevant documentary evidence and details filed by the assessee. Therefore, the impugned order may be set aside and the CIT (E) be directed to grant the approval u/s 80G of the Act.

11. On the other hand, the learned DR has fairly submitted that since the matter regarding registration u/s 12AB has been remanded to the record of the learned CIT (E) for fresh adjudication, therefore, this matter may also be remanded to the record of the CIT (E) for re-consideration of the application along with the application for registration u/s 12AB of the Act.

12. Having considered the rival submission and careful perusal of the impugned order, we find that the learned CIT (E) has given the reasons for rejection of the application for approval u/s 80G of the Act in para 3 of the order as under:

3. On perusal of the submissions made by the assessee, it is observed that no substantial activities which are charitable in nature are being carried out by the assessee, which is in violation of the provisions of the section 80G of the IT Act, 1961. In view of the above, the present application in form 10AB for registration u/s 80G is herewith rejected.

13. Since we have already remanded the matter of registration u/s 12AB of the Act for fresh adjudication after examination of the relevant record, therefore, the impugned order of the learned CIT (E) is also set aside and the matter is remanded to the record of the learned CIT (E) for reconsideration of the approval u/s 80G of the I.T. Act, 1961 in accordance with the same terms and directions.

14. In the result, both the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the Open Court on the conclusion of hearing i.e. on 5th June, 2025.

Sd/-

Sd/-

(MANJUNATHA, G.) ACCOUNTANT MEMBER	(VIJAY PAL RAO) VICE-PRESIDENT
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Hyderabad, dated 5th June, 2025

Vinodan/sps

Copy to:

S.No	Addresses
1	Chaganam Lalithamma & Bhaskar Rao Memorial Trust, Flat No.820, Bhagat Singh Nagar Colony, Near Rajarajeswary Temple, Vasant Nagar, JNTU, Kukatapally, Hyderabad 500085
2	Dy. CIT, Circle 5(1) IT Towers, AC Guards, Masab Tank, Hyderabad 500004
3	Pr. CIT - Exemption
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order