

| आयकर अपीलीय अधिकरण न्यायपीठ, मुंबई |
IN THE INCOME TAX APPELLATE TRIBUNAL
"F" BENCH, MUMBAI

BEFORE SHRI SAKTIJIT DEY, HON'BLE VICE PRESIDENT
&
SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER
I.T.A. No. 1147/Mum/2025

Fulcrum Foundation 405, VIP Plaza Off New Link Road Andheri West Mumbai - 400053 [PAN: AACCF3769N]	Vs	Commissioner of Income Tax (Exemptions), Mumbai
अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)

Assessee by :	Shri Jitendra Singh, A/R
Revenue by :	Shri Vikas K Suryawanshi, CIT, D/R

सुनवाई की तारीख/Date of Hearing : 02/06/2025
घोषणा की तारीख /Date of Pronouncement: 11/06/2025

आदेश/ORDER

PER NARENDRA KUMAR BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the Id. CIT(Exemptions), Mumbai, dated 23/12/2024 by which Id. CIT(Exemptions) has rejected the application in Form 10AB requesting for approval u/s 80G of the Act.

2. On perusal of the said order of the Id. CIT(Exemptions) we find that the solitary reason for rejecting the approval is some objectionable clause in the memorandum of association by which the Id. CIT(Exemptions) formed a belief that the assessee utilizes the funds outside India.

3. Before us, the Id. Counsel for the assessee furnished Certificate of Registration of the Special Resolution Confirming Alteration of Object Clause (s) issued by the Ministry of Corporate Affairs, Government of India u/s 13(1) of the Companies Act, 2013. The Id. Counsel for the

assessee pointed out that the alleged objectionable clause has been removed from the memorandum of association by the assessee.

4. As the objectionable clause has been removed by the assessee, we direct the Id. CIT(Exemptions) to examine the amended memorandum of association and decide the issue afresh after affording a reasonable and adequate opportunity of being heard to the assessee.

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

Order pronounced in the Court on 11th June, 2025 at Mumbai.

Sd/-
(SAKTIJIT DEY)
VICE PRESIDENT

Sd/-
(NARENDRA KUMAR BILLAIYA)
ACCOUNTANT MEMBER

Mumbai, Dated 11/06/2025

S.S.P.

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. संबंधित आयकर आयुक्त / Concerned Pr. CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)-
5. विभागीय प्रतिनिधि , आयकर अपीलीय अधिकरण, मुंबई /DR,ITAT, Mumbai,
6. गार्ड फाई/ Guard file.

आदेशानुसार/BY ORDER
TRUE COPY

Assistant Registrar
आयकर अपीलीय अधिकरण
ITAT, Mumbai