

**IN THE INCOME TAX APPELLATE TRIBUNAL
JODHPUR BENCH, JODHPUR.**

BEFORE: Dr. M. L. MEENA, ACCOUNTANT MEMBER AND
SHRI NARINDER KUMAR, JUDICIAL MEMBER

ITA No. 95/Jodh/2025

Assessment Year:

Shri Sanatan Sharam Shikshan Sansthan, Ravinder Path Old Dhan Mandi, Sriganganagar. [PAN: AADAS9841F] (Appellant)	Vs.	The CIT Exemption, Jaipur. (Respondent)
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Appellant by : Sh. Deewakar Arora, Adv.

Respondent by: Shri Anil Dhaka, CIT(DR)

Date of Hearing: 30/06/2025

Date of Pronouncement: 07/07/2025

ORDER

PER: NARINDER KUMAR, JUDICIAL MEMBER

Appellant Sansthan-Institution filed before Learned CIT(E), Jaipur, an application u/s 12AB of the Income Tax Act, 1961 (hereinafter referred to as “the Act”), in Form 10AB to seek its registration.

2. Vide impugned order dated 24.08.2024, Learned CIT(E) rejected the prayer of the applicant for its registration, the reason being that the applicant had not been got registered under Rajasthan Public Trust Act, 1959 (in short “Act, 1959”).

3. As mentioned above, the impugned order was passed on 24.08.2024. Present appeal is accompanied by an application dated 03.02.2025, seeking condonation of delay in filing the appeal.

4. First of all submissions have been put forth on the point of condonation of delay in filing of the appeal.

5. Arguments heard. File perused.

6. Ld. AR for the appellant-applicant has submitted that the representative of the applicant was under bonafide belief that no appeal could be filed without obtaining certificate of registration of the applicant under RPT Act, 1959, for want of which application under section 12 AB was rejected.

He has further submitted that in view of a recent decision dated 15.01.2025 by the Coordinate Bench of Jaipur Benches, Jaipur in **APJ Abdul Kalam Education and Welfare Trust vs. CIT(E)**, finding that under the Income Tax Act, there is no such requirement for registration of such like institutions, the appeal was prepared and submitted to challenge the impugned order. Accordingly, Ld. AR has submitted that for the above said sufficient cause, the delay in filing of the appeal may be condoned.

7. As noticed above, the impugned order is dated 24.08.2024. Form of appeal in Form No. 36 is dated 03.02.2025. As is available from the impugned order, the

application submitted u/s 12AB of the Act, came to be rejected for want of registration of the applicant under RPT Act, 1959 .

Along with application seeking condonation of delay, an affidavit of the Secretary of the applicant Institution has been filed. It is to the effect that the representative of the applicant was under the bonafide belief that no appeal could be filed without certificate of registration under RPT Act, 1959.

8. It is not in dispute that decision of the Coordinate Bench of Jaipur Benches in **APJ Abdul Kalam Education and Welfare Trust** case (supra), came to be delivered on 15.01.2025 i.e. after the rejection of the application of the applicant Institution.

It is significant to note that during pendency of the application under section 12 AB, the applicant applied for its registration under RPT Act and same is still pending before the competent authority, as submitted by Learned AR for the applicant.

Having regard to this claim regarding bona fide claim , we deem it a fit case to condone the delay in filing of the appeal.

9. While arguing the appeal, Ld. AR for the appellant has submitted that the applicant Institution has already applied for its registration under RPT Act, 1959 by filing appropriate application before the competent authority on 22.05.2024, and that

in view of the said application a request was made to Learned CIT(E) for adjournment of the application u/s 12AB of the Act, but Learned CIT(E) proceeded to dispose of the application without waiting any further.

Further, it has been submitted that the said application is being processed , and as and when certificate of registration is received, same shall be presented before Learned CIT(E).

At the same time, Ld. AR has submitted that in the given situation when the applicant had already applied for its registration under RPT Act, the application u/s 12AB of the Act may be restored to the files of Learned CIT(E) for its decision afresh, in accordance with law.

10. Ld. DR for the department has submitted that the application u/s 12AB of the Act having been presented on 27.02.2024, CIT(E) was required to dispose of the said application within the prescribed period. Further, Ld. DR for the department has submitted the applicant should have applied for its registration u/s 12AB of the Act only after complying with all the formalities including its registration u/s 12AB of the Act. The contention is that since the applicant failed to do so, Learned CIT(E) was justified in rejecting the application for want of its registration under RPT Act, 1959. Ld. DR has also referred to decision in **M/s New Noble Educational Society, Civil Appeal No. 3795/2024**, delivered by Hon'ble Apex Court on 19.10.2022, as

relied on by Learned CIT(E) in the impugned order, to contend that in view of the said decision by Hon'ble Apex Court, decision by this Coordinate Bench, Jaipur Benches APJ Abdul Kalam Education and Welfare Trust case (supra), does not come to the aid of the applicant.

Ld. DR for the department has also submitted that the department has filed Miscellaneous Application before the concerned Coordinate Bench, Jaipur Benches, Jaipur in the case of APJ Abdul Kalam Education and Welfare Trust case (supra).

11. At page 2.1 of the appeal file is available photo copy of application dated 22.05.2024, presented before the competent authority, with prayer for registration of the applicant institution under RPT Act, 1959.

12. Record reveals that vide letter dated 24.04.2024, Learned CIT(E) requisitioned certain documents from the applicant for the purpose of processing of the application u/s 12AB of the Act. One of the queries of Learned CIT(E) was about its registration under RPT Act, 1959.

It appears that on receipt of this letter dated 24.04.2024, the representative of the application prepared application dated 22.05.2024 and presented the same for the competent authority seeking registration of the applicant institution under RPT Act, 1959.

13. In the impugned order, Learned CIT(E) relied on the observations made by Hon'ble Apex Court in para 16 to 17, in the case of **M/s New Noble Educational Society** case (supra) and held that registration of such like applicants under concerned Public Trust Acts is mandatory.

14. It may be mentioned here that Co-ordinate Bench ITAT, Jaipur has held in **APJ Abdul Kalam Education and Welfare Trust vs. CIT(E)** decided on 15.01.2025 that for the purposes of registration of such institutions, u/s 12AB of the Act, registration under RPT Act, 1959 is not one of the essential requirements.

15. Returning to the facts of present case, as noticed above, when proceedings were going on before Learned CIT(E), as regards registration of the applicant institution u/s 12AB of the Act, a query was raised regarding registration of the applicant appellant under RPT Act, 1959. It appears that on the basis of notice dated 24.04.2024 issued by Learned CIT(E), raising query regarding registration of the applicant under RPT Act, 1959 the representative of the applicant submitted application dated 22.05.2024 before the competent authority seeking its registration. However, the application came to be rejected on 24.08.2024 for want of such any registration of the applicant.

We understand that there is a time line for disposal of such like applications. It is also true that the applicant institution should have taken steps for its registration under RPT Act, 1959, even before applying its registration u/s 12AB of the Act. But,

the fact remains during pendency of the application u/s 12AB of the Act, the representative of the applicant applied for its registration under RPT Act, 1959. In other words, the application seeking its registration under RPT Act, 1959, presented on 22.05.2024, even before the impugned order came to be passed.

Record reveals that the applicant was provisionally registered on 27.05.2021. Keeping in view this fact that the application seeking its registration under RPT Act, 1959, came to be presented on 22.05.2024 and the same still pending before the competent authority, and Learned CIT(E) dispose of the application under section 12 AB due to timelines, we deem it a fit case to set aside the impugned order, dated 24.08.2024, passed by Learned CIT(E) whereby its application u/s 12AB of the Act has been rejected for want of its registration under RPT Act, 1959 and restore the matter to the files of Learned CIT(E).

Result

16. In view of the above discussion, this appeal is disposed of and the impugned order dated 24.08.2024 is set aside. Application under section 12 AB of the Act is restored to the files of Learned CIT(E) for decision afresh, after providing an opportunity to the applicant to submit Certificate of Registration under RPT Act, 1959.

Judicial Member having joined and presided over through virtual mode from Jaipur Benches, order needs pronouncement under Rule 34(4) of the Income Tax (Appellate Tribunal) Rules, 1963 by placing the details on the notice board.

File be consigned to the record room after the needful is done by the office.

Sd/-

(Dr. M. L. Meena)
Accountant Member

Date: 07/07/2025

**Santosh*

Copy of the order forwarded to:

- (1) The Appellant:
- (2) The Respondent:
- (3) The CIT(Appeals)
- (4) The CIT concerned
- (5) The Sr. DR, I.T.A.T

Sd/-

(Narinder Kumar)
Judicial Member

By Order