

आयकर अपीलीय अधिकरण, राजकोट न्यायपीठ, राजकोट।
IN THE INCOME TAX APPELLATE TRIBUNAL,
RAJKOT BENCH, RAJKOT

BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER
AND
SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER

आयकर अपील सं./ITA No.47/RJT/2025
निर्धारण वर्ष /Assessment Year: N.A.

Rajkot Brahamkshatriya Vidyotejak Mandal Mandvi Chowk, Rajkot- 360 001(Gujarat)	बनाम /Vs.	Commissioner of Income-tax (Exemption), Ahmedabad, 609, Aaykar Bhavan (Vejalpur), Ahmedabad-380005
स्थायी लेखा सं./जीआइआरसं./PAN/GIR No.: AAATR 1940 C		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

निर्धारित की ओर से/Assessee by. : Shri Bakul Gantra, Ld.AR &
Ms. Salma Thobhani. Ld. AR
राजस्व की ओर से/Revenue by : Shri Sanjay Punglia, Ld. CIT-DR

सुनवाई की तारीख/Date of Hearing : 28/07/2025
घोषणा की तारीख/Date of Pronouncement : 29/07/2025

आदेश / ORDER

Per, Dr. Arjun Lal Saini, Accountant Member:

Captioned appeal filed by the assessee, is directed against the order passed by the Ld. Commissioner of Income Tax (Exemption), Ahmedabad, [in short “Ld.CIT(E)”] *wherein* Ld. CIT(E) rejected, the assessee’s application in Form No.10AB, u/s 12A(1)(ac)(iii), on the ground that intention of assessee-trust and its objects are confined only for the benefit of the “Braham Kshatriya Community”.

2. Brief facts of the issue in dispute are stated as under. The Ld.CIT(E) noticed that in assessee’s case there is a specified violation of the clause(d) of



Explanation-1 of Section 12AB(4) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act'), which states as follows:

“(d) the trust or institution established for charitable purpose created or established after the commencement of this Act, has applied any part of its income for the benefit of any particular religious community or caste; or”.

The Ld.CIT(E) observed that intention of assessee-trust and its objects are confined only for the benefit of the “Brahm Kshatriya Community”, and there is not even a single object, in the trust deed, for the benefit of general public. Therefore, Ld.CIT(E) denied the registration to the assessee-trust and hence assessee’s application filed in Form-10AB u/s 12A(1)(ac)(iii) of the Act, was rejected and provisional registration was also cancelled.

3. Aggrieved by the above action of the Id. CIT(E), the assessee is in appeal before us.

4. Shri Bakul Ganatra, Learned Counsel for the assessee, fairly agreed that the objects of the assessee-trust which are given in paper book pages 70-71 are solely for the purpose of “Brahm Kshatriya Samaj” Students. However, the Ld. Counsel for assessee submitted further before the Bench that assessee-trust wants to modify its object by filing application before the Charity Commissioner. The Ld. Counsel for the assessee also submitted that assessee-trust runs educational institutions, wherein not only students of Brahm Kshatriya can take education, however, it is open for other caste and community also, that is, the school/ college is open for other caste and community. However, objects were drafted in such a way so as to confine to the students of Brahm Kshatriya Samaj, therefore, Ld. Counsel for the assessee has undertaken the responsibility to modify the trust objects by filing an application before Charity Commissioner. Hence, Ld. Counsel for the assessee submitted that a direction may kindly be given to



Ld.CIT(E) to accept the modify objects of assessee-trust and then grant registration to the assessee-trust, as per the provisions of law.

5. On the other hand, Ld. CIT-DR for the Revenue submitted that not only the objects of the assessee-trust is confined to the Braham Kshatriya Samaj students but the intention of this trust is also to give the benefit to Braham Kshatriya Samaj, students and for that, Ld.CIT-DR for the Revenue took us through, the preamble of the assessee-trust, which is reproduced below:

“We the undersigned (1) Mr. Maganlal Narbheram Maniyar, resident of Mumbai, (2) Mr. Kanjibhai Pitambarbhai Ashara, resident of Mumbai, (3) Mr. Shantilal Popatlal Padiya, resident of Rajkot, (4) Mr. Keshavlal Ramjibhai Ashara, resident of Rajkot (5) Mr. Jayantilal Bahnji Ashara, resident of Rajkot, (6) Mr. Prabhudas Narbheram Soneji, resident of Rajkot and (7) Mr. Ramkrushna Gokalda Mer, resident of Rajkot do hereby execute this trust deed as under:

Executive meeting of the Rajkot Sorathiya Brahma Kshatriya Panch was held at Rajkot on dated 14.05.1967. Mr. Maganlal Narbheram Maniyar resident of Rajkot who came from Mumbai to Rajkot to attend the meeting, he desired to form the cate association to provide books and education to the Brahm Kshatriya student and help them etc., and he added that if such association will be formed, then he is desirous to donate huge fund. His desire was praised by all the present members with majority and decided to form the institution with the name of style of “Shri Rajkot Brahma Kshatriya Vidhotejak Mandal” with majority. And an ad hoc committee of fifteen members w formed. Then meeting of the said ad hoc committee was Mnaukhlal Liladhar, Rs.2.5/- Stamp Paper No.1894/1 to purchaser Rajkot Braham Kshatriya Vidhotejak Mandal resident of Rajkot purchased by Mansukhlal Dt. 5-7-1968

Round
seal of
Charity
Comm.
Office

Shantilal Govindbhai
Stamp Vendor
Civil Judge (S.D.) Rajkot

Held on date 19.06.1967. The above mentioned seven members were appointed as a trustee in the said meeting. And adhered them to draft the trust deed of this Mandal and get register the same.

Pertaining to right, power and authority adhered to them by the said committee, this trust deed is formed as per below mentioned details.

(1) Name of the Trust:

Name of this trust has been kept as “Shri Rajkot Braham Kshatriya Vidhotejak Mandal” and this trust has become applicable from dated 14.05.1967.

(2) Trust Office

This Trust office has kept at Rajkot city.

(3) Trust Objects:

Trust objects consist, trust objects will be provided to educational help to the boy students and girl students of the Braham Kshatriya caste studying in Rajkot city and boy students and girl students of the Braham Kshatriya caste studying outside of the Rajkot city etc.

(1) To provide the book, fees, scholarships, local scholarships, educational equipment and other economic help to the boy students and girl students.....”



6. Therefore, Ld. CIT-DR for the Revenue submitted that considering these objects of the trust, which is solely for the benefit of Braham Kshatriya samaj, students, the appeal of assessee may be dismissed at this stage.

7. We have heard both the parties and carefully gone through the submission put forth on behalf of the assessee along with the documents furnished and perused the fact of the case including the findings of the Id CIT(E) and other materials brought on record. We note that Ld. Counsel for the assessee has undertaken the responsibility to modify the objects of the assessee-trust which may be for the benefit of general public and general students and which would not be confined to the “Braham Kshatriya Samaj” students. Therefore, Ld. Counsel for the assessee requested the Bench that assessee-trust wants to submit a modified trust deed, containing the modified objects and therefore, we direct the Ld.CIT(E) to examine the same and accept the modify objects of the assessee-trust. The Id.CIT(E), after having examined the objects of the assessee-trust, and other activities of the trust, if he finds eligible to the assessee-trust, then registration may be granted to the assessee-trust, in accordance with law. For statistical purposes, the appeal of assessee is allowed.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes, in above terms.

Order is pronounced in the open court on 29/07/2025

Sd/-
(DINESH MOHAN SINHA)
JUDICIAL MEMBER

Sd/-
(DR. ARJUN LAL SAINI)
ACCOUNTANT MEMBER

राजकोट /Rajkot

दिनांक/ Date: 29/07/2025

Dkp Outsourcing Sr.P.S



आदेश की प्रतिलिपि अग्रोषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- आयकर आयुक्त(अपील)/ The CIT(A)/(NFAC), Delhi.
- विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, राजकोट/ DR, ITAT, RAJKOT
- गार्ड फाईल/ Guard File

// True Copy //

By order/आदेश से,

Assistant Registrar/Sr. PS/PS