

**IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCHES “B,” BANGALORE**

**Before Shri Prashant Maharishi, Hon’ble Vice President
&
Shri Soundararajan K, Hon’ble Judicial Member**

**ITA No.1086/Bang/2025
(A.Y.2025-26)**

Mysore Brindavan Sky Trust No. 241, Advaitham Treasury Layout Bogadi, Mysore – 570026 Karnataka PAN: AAETM0246Q	vs.	CIT (Exemptions) Unity Building Annex Mission Road Bengaluru – 560027 Karnataka
(Applicant)		(Respondent)

Assessee Represented by: Sri M.R. Mallikarjunaswamy, CA
Department Represented by: Sri. Muthu Shankar, CIT-DR

Date of Hearing: 23.07.2025	Date of Pronouncement 30.07.2025
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ORDER

Per Prashant Maharishi, Vice President:

1. Captioned appeal is filed by Mysore Brindavan Sky Trust against the order passed by the Commissioner of Income Tax (Exemptions), Bangalore (“the Ld.CIT(E)”) dated 18.03.2025 wherein the application made by the assessee for registration under section 12AB of the Act was rejected and provisional registration granted was cancelled.

- 2.** The only grievance of the assessee is the rejection of the application for Registration under section 12AB of the Act.

- 3.** Brief facts of the case shows that, assessee is a charitable Trust promoting Yoga Practices founded on 01.01.2009, as the Trust intended to expand its activities applied for Registration under section 12AB of the Act as per Form 10AB e-filed on 26.09.2024. In response to the application, Ld.CIT(E) as per letter dated 17.01.2025 asked the assessee to appear and furnish certain documents. The Ld.CIT(E) examined the details and found that on examination of the income and expenditure account for the year ended 31.12.2024, 31.03.2024 and 31.03.2023 as well as the bank statements, noted that assessee has made minimal amount of expenditure towards the object of the Trust and no expenditure has been debited from bank account. Further, the fees received for various yoga programs does not match with the income as per the financial statements. Thus it is clear that the

assessee has not commenced its activities towards attainment of the objects and hence the application filed for registration was rejected.

4. The order was passed on 18.03.2025 which is contested by the assessee. The Claim of the assessee that it has submitted the complete details before Ld.CIT(E). Before us, the assessee has also submitted a paper book containing 84 pages. It was submitted that enquiry notice is placed at Page Nos. 40-42 of the paper book wherein the Ld.CIT(E) raised 14 queries. The assessee further referred to Page No. 43-46 of the paper book wherein all these 14 queries have been replied. Further, the assessee referred to application filed before Ld.CIT(E) which is placed at Page No. 24-39 to the paper book. It was the claim of the assessee that assessee Trust is guided by the ideology and teachings of Yogaguru Shri. Vethathiri Maharishi and this Trust is in existence since 01.01.2009, this Trust has made an application for registration now. It was submitted that for the financial Year 2021-2022,

assessee has received the fees of Rs.67,000/- for the year ended 31.03.2022, Rs.1,17,649/-. Further for the year ended 31.03.2023 of Rs.1,28,448/-. It was further stated that for the year ended on 31.03.2024 the assessee has received yoga fees of Rs.4,53,753/-. Therefore, it is not correct to state that assessee has not started the activities of the Trust. He further referred to his application of the Trust stating that complete details about the activities of the trust was also produced before the Ld.CIT(E) along with the details of assets and liability and therefore it is not proper to hold that the assessee has not commenced its activities and therefore rejection of such application is not correct.

- 5.** Ld. Departmental Representative vehemently supported the orders of the Ld.CIT(E).
- 6.** We have carefully considered the rival contentions and perused the orders of the Ld.CIT(E) cancelling the provisional registration as well as not granting registration to the assessee Trust under section 12AB

of the Act. We find that the objective of the assessee is to promoting yoga and therefore it is a charitable purpose as provided under section 2(15) of the Act. Further, with respect to the activities of the trust, the Ld.CIT(E) has extracted the financial statements which itself shows that the assessee has received fees for conducting yoga classes, though may be, the assessee might have incurred minimum amount of expenditure towards object of the Trust but it has already commenced its activities as per the finding of the Ld.CIT(E) in Paragraph No. 2.4. Therefore, the observations of the Ld.CIT(E) that assessee has not commenced its activities for attainment of the object is incorrect. It is also a fact that yoga fees are received by the assessee which itself a testimony that assessee has started its activities. Therefore, the rejection of the application by the Ld.CIT(E) is not proper.

- 7.** In view of the above facts, we restore the issue to the file of the Ld.CIT(E) with directions to the assessee to substantiate its activities before Ld.CIT(E) and

Ld.CIT(E) is directed to consider the application of the assessee and decide on the merits of the case that whether the activities of the assessee Trust are genuine or not. Ld.CIT(E) may pass order after granting the assessee an opportunity of hearing.

- 8.** In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 30th July 2025.

Sd/- (SOUNDARARAJAN K) JUDICIAL MEMBER	Sd/- (PRASHANT MAHARISHI) VICE PRESIDENT
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Bangalore; Dated: 30th July 2025
Giridhar, Sr.PS

ITA No.1086/Bang/2025
Mysore Brindavan Sky Trust

Copy to:

1. The Applicant.
2. The Respondent.
3. The CIT(A) Concerned.
4. The DCIT concerned.
5. The Sr. DR, ITAT, Bangalore.
6. Guard File.

Asst.Registrar
ITAT, Bangalore