

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI
DELHI BENCH 'DEHRADUN/' NEW DELHI
BEFORE SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

ITA No. 75/DDN/2025 (A.Y. 2016-17)

Institute of Driving & Traffic Research , Jhajra, Chakrata Road, Dehradun Uttarakhand PAN: AAAAI2799D	Vs.	Income Tax Officer, Ward Exemption, Dehradun Uttarakhand
Appellant		Respondent
Assessee by	Sh. Anil Jain, Adv	
Revenue by	Sh. Amar Pal Singh, Sr. Dr	
Date of Hearing	10/07/2025	
Date of Pronouncement	06/08/2025	

ORDER

PER YOGESH KUMAR, U.S. JM:

The present appeal is filed by the Assessee challenging the order of Ld. Commissioner of Income Tax (Appeals/National Faceless Appeal Centre ('Ld. CIT(A)/NFAC' for short), New Delhi dated 11/03/2025 pertaining to Assessment Year 2016-17.

2. Brief facts of the case are that, the assessee is a Society registered u/s 12A and 80G of the Income Tax Act, 1961 ('Act' for short). During the Assessment Year 2016-17, the Assessee transferred a sum of Rs. 25,50,000/- to utilization fund u/s 11(2) of the Act. The assessee should

have filed Form No. 10 as required u/s 13(a) of the Act electronically, however the same has been filed by the Assessee manually. Later on, during the assessment proceedings, the Form No. 10 has been filed electronically by the assessee. The assessment order came to be passed wherein the Ld. A.O. has not allowed the deemed application of income to the extent of Rs. 25,50,000/- on the ground that the assessee has failed to file Form No. 10 electronically and passed assessment order on 07/12/2018 by making additions of Rs. 25,50,000/-.

3. As against the assessment order dated 07/12/2018, assessee has preferred an appeal before the CIT(A) and the Ld.CIT(A) vide order dated 24/07/2019, dismissed the appeal filed by the assessee. Aggrieved by the order of the Ld. CIT(A) dated 24/07/2019, Assessee preferred an Appeal before the Tribunal in ITA No. 137/DDN/2019. The Co-ordinate Bench of the Tribunal after hearing both the parties remanded the matter to the file of the A.O. with a direction to consider the Form No. 10 which was manually filed by the Assessee and the Form No. 10 filed electronically during the Assessment Proceedings and decide the matter in accordance with law. However, the Ld. A.O. in the second round of litigation vide order dated 06/11/2023, once again rejected the Form No. 10 filed by the Assessee manually and recomputed the income of the Assessee at Rs. 25,50,020/-. Aggrieved by the order of the A.O. dated

06/11/2023, the Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 11/03/2025, dismissed the Appeal filed by the Assessee which has been called in question before us.

4. The Ld. Counsel for the Assessee submitted that both the Lower Authorities have erred in not complying the direction of the Tribunal in its order dated 03/01/2023 in ITA No. 137/DDN/2019. Further submitted that the A.O. has not allowed the application on the very same ground that Form No. 10 has not been filed electronically. The Ld. Counsel submitted that in compliance with the order of the Tribunal dated 03/01/2023 in ITA No. 137/DDN/2019, should have considered the Form No. 10 filed by the Assessee and ought to have allowed the deemed application of income to the extent of Rs. 25,50,000/-. Thus, the Ld. Assessee's Representative sought for allowing the Appeal.

5. Per contra, the Ld. Departmental Representative vehemently submitted that, since the Assessee has not filed Form No. 10 electronically on time, the Lower Authorities have rightly not considered the Form No.10 filed manually and passed the orders impugned which requires no interference.

6. We have heard both the parties and perused the material available on record. It is the matter of fact that in the first round of litigation the

Co-ordinate Bench of the Tribunal, in ITA No. 137/DDN/2019, vide order dated 03/01/2023, observed that the filing of Form No. 10 electronically came into existence w.e.f. 01/04/2016 and the Assessee must have missed in filing the Form No.10 electronically and the same has been filed on time manually before the due date of filing of the return i.e.06/09/2016. Therefore, the Tribunal directed the A.O. to consider the manually filed Form No. 10 along with Form No. 10 filed by the Assessee during the assessment proceedings electronically as the same has been filed on time and further directed to decide the matter in accordance with law. The order of the Tribunal dated 03/01/2023 has reached finally as the Department has not challenged the said order. However, by ignoring the direction of the Tribunal dated 03/01/2023, the Assessing Officer once again passed assessment order without considering the Form No. 10 filed by the Assessee, which is nothing but blatant violation of the order of the Tribunal on the part of the A.O. Further, the assessment order dated 06/11/2023 came to be passed against the Assessee by making the addition/disallowance only on the ground that the Form No. 10 was not filed electronically on time and the A.O. has not made any adverse observation against the Assessee. In view of the above, by considering the manual filing of Form No. 10 and Form No. 10 filed by the Assessee during the assessment proceedings

electronically as the same has been filed on time, the addition made by the A.O. which has been sustained by the Ld. CIT(A) is hereby deleted and we direct the A.O. to allow the deemed application of income to the extent of Rs. 25,50,000/- in favour of the Assessee.

7. In the result, the Appeal of the Assessee is allowed.

Order pronounced in the open court on 06th August, 2025

Sd/-

**(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER**

Date:- 06 .08.2025

R.N, Sr.P.S*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

**(YOGESH KUMAR U.S.)
JUDICIAL MEMBER**

ASSISTANT REGISTRAR
ITAT, NEW DELHI