

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH: CHENNAI

माननीय श्री मनु कुमार गिरि ,न्यायिक सदस्य एवं माननीय श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND
HON'BLE SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.386/Chny/2025, Assessment Years: -

आयकर अपील सं./ITA No.387/Chny/2025, Assessment Years: -

**Samachar Manyata Association for
Research & Training,
Old No.19, New No.72, Marshall Road,
Egmore, Chennai-600 008.
[PAN: ABFCS2266P]**

**The Commissioner of Income Tax
(Exemptions),
Chennai.**

(अपीलार्थी/Appellant)

**अपीलार्थी की ओर से/ Assessee by
प्रत्यर्थी की ओर से /Revenue by**

(प्रत्यर्थी/Respondent)

**: Shri P.M.Kathir, Advocate
: Ms.E.Pavuna Sundari, CIT**

सुनवाई की तारीख/Date of Hearing : 12.08.2025

घोषणा की तारीख /Date of Pronouncement : 13.08.2025

आदेश / O R D E R

PER AMITABH SHUKLA, A.M :

The below mentioned two appeals have been filed by the appellant assessee contesting the order of Ld. CIT(E) indicated Column-E, herein below:-

| S. No. | Appeal Nos. | AYs | Appellant | CIT(A) Order Details | Respondent |
|---------------|---------------------------------|------------|---|--|--|
| A | B | C | D | E | F |
| 1 | ITA No. 386 / Chny / 2025 | - | Samachar Manyata Association for Research & Training, Chennai-600 008. [PAN: ABFCS2266P] | DIN & Order No. ITBA / EXM / F / EXM45 / 2024-25 / 1071655725(1) dated 28.12.2024 | The Commissioner of Income Tax (Exemptions), Chennai. |
| 2 | ITA No. 387 / Chny / 2025 | - | | DIN & Order No. ITBA / EXM / F / EXM45 / 2024-25 / 1071655814(1) dated 28.12.2024 | |

2.0 Both the above appeals of the assessee are centering around the common ground of denial of exemption u/s. 12A and section 80G and hence for the purposes of convenience were heard together and are being adjudicated by this common order. For the purposes of convenience we will consider the appeal of the assessee in ITA 386/Chny/2025 qua denial of exemption u/s 12A. As the facts are identical the decision therein shall apply mutatis mutandis to ITA No.387/Chny/2025 as well.

3.0 At the outset the Ld.Counsel for the assessee submitted that there has been violation of principles of natural justice in this case in as much as the Ld.CIT(E) has drawn unilateral conclusion without affording the assessee an opportunity of being heard. It was accordingly requested that matter may be considered for remission back to the Ld.CIT(E) for readjudication after affording the assessee an opportunity of being heard.

4.0 Per contra, the Ld.DR relied upon the order of Ld.CIT(E).

5.0 We have heard the rival submissions in the light of material available on records. We find considerable force in the averments of the appellant assessee. We have also noted a case of apparent non-application of mind and passing of a non-speaking order by the Ld.CIT(E). We have noted that on page 7 of the order he has reproduced some fund flow analysis from which he has drawn adverse

conclusions. The impugned extraction of fund flow analysis is beyond any comprehension as it cannot be read and understood. The conclusion drawn on page 9 that the assessee had received donations and spending it on ineligible manufacturing and project expenses is thus unwarranted and unfounded. Even the Ld.DR expressed her inability to explain us the contents of the extraction done on page 7 of the order. We have noted on page 9 of the order that the Ld.CIT(E) has alleged that the appellant assessee has failed to satisfy him qua compliance to the judicial ratio laid down by Hon'ble Gujarat High Court in case of Ahmadabad Rana Caste Association and failed to provide credible evidence of general public utility services performed by it. The fact of the matter remains that there is nothing on record to indicate that the appellant assessee was ever asked by way of any show cause notice to submit the impugned details. The Ld CIT(E) is within his legal rights to raise queries as per his discretion but he is not authorized to draw unilateral conclusions without confronting the same to assessee. The allegation of appellant assessee of violation of principles of natural justice in this case in as much as the Ld.CIT(E) has drawn unilateral conclusion without affording the assessee an opportunity of being heard thus stands established. Accordingly, in the interest of justice, we deem it appropriate to remit the file to the Ld.CIT(E) for readjudication of the matter afresh after due opportunity of being heard and by passing a

speaking order, in accordance with law. It shall be bounden upon the assessee to comply with statutory notices and any non-compliance shall be adversely viewed. **Accordingly, all the grounds raised by the assessee in the ITA No.386/Chny/2025 are allowed for statistical purposes.**

6.0 In the result the appeal of the assessee in ITA No.386/Chny/2025 is allowed for statistical purposes.

7.0 It has been noted that the appeal of the assessee in ITA No.387/Chny/2025 is identical on facts except for the fact that it pertains to denial of approval u/s 80G. **Accordingly, the decision taken in ITA No.386/Chny/2025 shall apply mutatis mutandis.**

8.0 In the result the appeal of the assessee in ITA No.387/Chny/2025 is also allowed for statistical purposes.

Order pronounced on 13th, Aug-2025 at Chennai.

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)

न्यायिक सदस्य / Judicial Member

चेन्नई/Chennai, दिनांक/Dated: , Aug-2025.

KB/-

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Chennai/Coimbatore/Madurai/Salem.

4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF