

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'D' BENCH, KOLKATA**

Before

**SHRI PRADIP KUMAR CHOUBEY, JUDICIAL MEMBER
&
SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**I.T.A. No.: 1006/KOL/2025
Assessment Year: 2021-22**

Sri S L Dugar Charitable Trust	Vs.	ITO, Ward-1(3), Exempt, Kolkata
(Appellant)		(Respondent)
PAN: AACTS8589G		

Appearances:

Assessee represented by : Miraj D. Shah, AR.

Department represented by : Sanat Kumar Raha, CIT(DR).

Date of concluding the hearing : 26-June-2025

Date of pronouncing the order : 25-August-2025

ORDER

PER RAKESH MISHRA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of the Commissioner of Income Tax (Appeals)-NFAC, Delhi [hereinafter referred to as Ld. 'CIT(A)'] passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') for AY 2021-22 dated 11.03.2025, which has been passed against the rectification order u/s 154 of the Act, dated 08.04.2023.

2. The assessee is in appeal before the Tribunal raising the following grounds of appeal:

"1. That the Order passed u/s 250 is bad in law as well as on facts of the case.



2. *The Hon'ble Commissioner of Income Tax (Appeals) erred both in law and on facts by not considering the adjournment request filed on the date of hearing.*

3. *The Hon'ble Commissioner of Income Tax (Appeals) erred both in law and on facts by failing to consider that the appellant was registered under sections 12AB and 80G, and that Form 10B was uploaded and said facts could have been verified from the jurisdictional assessing officer.*

4. *The Hon'ble Commissioner of Income Tax (Appeals) erred both in law and in facts by upholding the denial of exemption claimed by the appellant under section 11 of Rs.9,15,54,820/-.*

5. *That the appellant craves to leave, add, amend 5 or adduce any of the grounds of appeal during the course of appellate proceedings.”*

3. Brief facts of the case are that the assessee is a charitable Trust registered u/s 12AB of the Act and had filed the return of income by claiming exemption u/s 11 of the Act. The assessee stated that it had got the accounts audited u/s 12A(b) of the Act and obtained audit report in Form No. 10B. Since the same was not processed, the return was processed u/s 143(1) of the Act and the exemption claimed u/s 11 of the Act was disallowed and a demand of ₹4,77,79,370/- has been raised. The assessee filed a rectification petition but reasonable opportunity was not provided by the Assessing Officer (hereinafter referred to as Ld. 'AO'). Aggrieved with the assessment order, the assessee filed an appeal before the Ld. CIT(A) who issued notice u/s 250 of the Act to the assessee to file copies of registration u/s 12AB of the Act. Since no response was received from the assessee hence on failure to produce the registration certificate, the Ld. CIT(A) dismissed the appeal of the assessee.

4. Aggrieved with the order of the Ld. CIT(A), the assessee has filed the appeal before the Tribunal.



5. Rival contentions were heard and the submissions made have been examined. The Ld. AR drew our attention to page 46 of the paper book and it was submitted that the due date of filing the return was extended and the return was filed on 13.03.2022 i.e. within the extended due date which was 15.03.2022. Our attention was drawn to pages 7 and 52 of the paper book stating that on the date of processing, Form No. 9A was available before the CPC, yet the claim of the assessee had been disallowed by mentioning the reasons as under:

“Incorrect Claim u/s 143(1)(a)(ii)

Sl. No.	Schedule	Error Description	Amount in ₹		
			In Income Tax Return	As Computed	Variance
1	Part B-TI/Part A-General Information	The Trust or Institution registered u/s 12A/12AA/12AB has not E-filed the Audit Report in Form 10B one month prior to the due date for furnishing return u/s 139(1). Hence the exemption claimed in Sr.no. 2 (exemption claimed u/s 11(1)(d)) and Sr.no. 4i to 4vili of Part B-TI is not allowable in accordance with	9,15,54,820	0	9,15,54,820
2	Part B-TI	In Schedule Part-BTI, Exemption claimed in sr no 4iv? Amount deemed to have been applied during the previous year as per clause (2) of Explanation to section 11(1)? is not equal to the amount entered in Form-9A. Hence the exemption claimed in Sr.no. 4iv for deemed application	2,57,39,914	0	2,57,39,914

6. We have heard the submissions made. It was submitted by the assessee that since the due date was extended, therefore, Form No. 9A



was separately filed in time. In any case, if both Form No. 9A and Form No. 10B were available at the time of processing of the return of income as Form No. 10B was uploaded by the assessee on 13.03.2022 and was e-verified by the Trust and Form No. 9A was also e-verified on 12.03.2022, therefore, there was no justification for disallowance of the claim of exemption of income for charitable purposes and the deemed application of income as both the forms were available on record. Hence, the Ld. AO is directed to verify the claim of the assessee regarding filing of these forms within the extended due and delete the additions made as the assessee is entitled to exemption on account of application of income for charitable purposes. Hence, the grounds of appeal raised by the assessee are allowed.

7. In the result, the appeal filed by the assessee is allowed.

Order pronounced in the open Court on 25th August, 2025.

Sd/-

[Pradip Kumar Choubey]

Judicial Member

Sd/-

[Rakesh Mishra]

Accountant Member

Dated: 25.08.2025

Bidhan (Sr. P.S.)



Copy of the order forwarded to:

1. **Sri S L Dugar Charitable Trust, 1st Floor, Room No.10, Bikaner Building, 8/1, Lal Bazar Street, BBD Bag, Kolkata, West Bengal, 700001.**
2. **ITO, Ward-1(3), Exempt, Kolkata.**
3. CIT(A)-NFAC, Delhi.
4. CIT-
5. CIT(DR), Kolkata Benches, Kolkata.
6. Guard File.

// True copy //

By order

Assistant Registrar
ITAT, Kolkata Benches
Kolkata