

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, 'DB': AMRITSAR**

**BEFORE SHRI UDAYAN DAS GUPTA, JUDICIAL MEMBER
AND**

SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER

**ITA No.640/ASR/2024
[Assessment Year:2023-24]**

Sikh Missionary College, 1072, Kucha No.14, Field Ganj, Ludhiana, Punjab- 141001	Vs	Income Tax Officer Exemption Ward, Jalandhar, Punjab-144001
PAN-AADTS5695J		
Appellant		Respondent

Appellant by	Shri Parikshit Aggarwal, CA
Respondent by	Shri M.S. Nethrapal, CIT-DR

Date of Hearing	29.05.2025
Date of Pronouncement	26.08.2025

ORDER

PER BRAJESH KUMAR SINGH, AM,

This appeal by the assessee is directed against the order of learned Commissioner of Income Tax (Exemption), Chandigarh, (hereinafter referred to 'Id. CIT(A)') dated 26.09.2024 rejecting the application of the assessee u/s 80G of the Act.

2. Brief facts of the case:-An application for approval under clause (iv)(B) of first proviso to section 80G(5) of the Act was filed by the applicant on 30.03.2024. In order to examine and verify the objects of the trust or the institution and the genuineness of its activities and fulfilment of all the

conditions laid down in clauses (i) to (v) of section 80G(5) of the Act, a questionnaire was issued electronically on 12.08.2024 by the Id. CIT(E) requesting the assessee to furnish the documents/details online through e-proceedings on e-filing portal along with the supporting documents/evidence as mentioned in the said letter. The assessee filed the reply on 12.09.2024 in which it filed the Memorandum of Assets (referred as MOA), where the Id. CIT(E) observed that objects or part of the objects of the assessee were found to be of religious nature, which were reproduced by her in the order as below.

Memorandum of Association

1. The name of the Organization shall be SIKH MISSIONARY COLLEGE.

2. The Registered Office shall be situated In the State of Punjab. Presently, It will be located at 1051, Kucha No. 14, Fleld Gan), LUDHIANA.

3.The Alms & Objects of this Organization are :

(i) The Organization shall be a Charitable, non-commercial and non-political body.

(ii) To preach, exercise, impart, promote and propagate religious, moral, social, cultural and charitable acts and virtues, particularly the teachings of the Ten Sikh Gurus from Guru Nanak Dev Ji to Guru Gobind Singh Ji and Guru Granth Sahib Ji, among all mankind, irrespective of caste, creed, religion or sex etc.

(iii) To publish in the important languages of the world authoritative texts books, teatiseand other publications.

(iv) To organize, exercise, assist and diffuse all kinds of religious, moral, social and spiritual knowledge for the good of mankind through modern media communications including audio-visual aids.

(v) To grant medical help to the poor and deserving persons during any epidemic, femine, floor, war or any other unforeseen natural calamity. (vi) To supply books, food and clothings to poor

students of schools and other monetary assistance to the poor and deserving students.

(vii) To preach the spiritual values, enunciated in the religious scriptures, particularly the Sikh Scriptures in India and abroad.

(viii) To train missionaries in Missionary College to be set-up to promote the above aims and to employ them in Missionary Colleges/Centres and to employ other staff, and to pay them in return of services, gratuities. Wages. Salaries, honorarium, etc., and to regulate terms & conditions of their services.

(ix) To establish and/or aid institutions engaged in religious, social and philosophical research and set up libraries, monthly magazines, reading rooms and printing press etc.

(x) To procure the incorporation, registration of Parchar Centres/Missionaries Colleges and other educational schools/academic institutions.

xi) To aid or otherwise subscribe to charitable, national or other institutions. and make donations to such bodies, persons and in such cases as may be deemed expedient in furtherance of the objectives of the Organization.

xii) To Purchase, take on lease or otherwise acquire any movable and immovable property or any right or privilege or convenience for purpose of the Organisation.

xiii Generally to do all such things as may be conducive and necessary for the advancement and fulfilment of the above objectives.

2.1. The Id. CIT(E) noted that from the plain reading of the MOA, it was been clearly manifested that the objects of the applicant are religious also. Therefore, a query dated 18.09.2024 was raised to the applicant regarding this issue and was requested to submit the reply till 23.09.2024. The query is being reproduced as under:

"Kindly refer to your reply filed on 12.09.2024.

- In MOA, many of your objects are for Religious purposes, particularly in respect of Sikh religion. However, in your submissions in response to query No. 17 & 18 you have not clearly stated whether you are*

undertaking any religious activity. Please showcause why your application should not be rejected as the society appears to be engaged in promotion of Sikh religion as per its objects.

You are requested to furnish your explanation on or before 23.09.2024 on chandigarh.cit.exmp@incometax.gov.in or to file your submission on the e-filing portal."

2.2. The Id. CIT(E) noted that in response to the above query, the applicant submitted an Affidavit dated 23.09.2024, wherein it was declared that the Society does not work or conduct charitable activities for people from specific cast, color or religion and the same is reproduced as under:-

मोबाइल : 99144-21815
 फोन : 0161-5021815
 1051/14, फील्ड गंज, लुधियाना-141008

ईमेल : 0161-6451306
 Email : smclud1980@gmail.com

ਸਿੱਖ ਮਿਸ਼ਨਰੀ ਕਾਲਜ (ਰਜਿ.)
SIKH MISSIONARY COLLEGE (Regd.)
 1051, KUCHA 14, FIELD GANJ,
 LUDHIANA - 141 008.

दि. 05/9/24
 दि. 23/9/24

Affidavit for Religious Activities

We would hereby like to reaffirm that our Society takes guidance and inspiration from the Religious Text, Sri Guru Granth Sahib, and accordingly works on the principle of 'Sarbat Da Bhalla'. We work for the society at large and do not focus on people from any specific cast, color or religion.

All the Projects including two Schools, Physiotherapy Centres, Skill Development Courses, Publications and other activities are for the benefit of the humanity at large.

Regards

For SIKH MISSIONARY COLLEGE
Jaswant Singh
 Authorized Signatory

2.3. The Id. CIT(E) observed that the affidavit filed by the applicant was duly been considered but could not be accepted as in the MOA it has been clearly mentioned that the purpose of the College is to preach and promote the Sikh

religion among mankind. She further observed that the information which is available in public domain clearly depicts that the motive of the applicant is to spread Sikh religion which is religious in nature.

2.4. The Id. CIT(E) also noted about the introduction of college as appearing on its website, and observed that mere submitting the evidence regarding the declaration that the activities are only charitable cannot be accepted. Thereafter, the Id. CIT(E) discussed about the provisions of section 2(15) of the Act and the relevant provisions of section 80G and also reproduced the decision of the Hon'ble Apex Court in the case of Upper Ganges Sugar Mills Ltd. Vs CIT [1997] 93 taxman 645(SC) and observed that the present application of the applicant filed in Form 10AB under clause (iii) of first proviso to section 80G(5) of the Act was not maintainable as the trust/institution was established with aims and objects of religious nature, which cannot be considered to be for charitable purposes per the provisions of section 80G(5) of the Income-tax Act. Accordingly, she held that the application filed by the applicant for approval u/s 80G of the Act was not maintainable and rejected the same and further held that consequent lack of approval shall supersede any approval granted u/s 80G of the Act by any authority at any earlier time.

3. Aggrieved with the said order, the assessee is in appeal before us by raising the following grounds of appeal:

“1. That on the facts, circumstances and legal position of the case, the Worthy CIT(E) has erred in rejecting registration application moved u/s 80G(5) even when the appellant was eligible for the same.

2. That on law, facts and circumstances of the case, the order passed by Worthy CIT(E) deserves to be quashed since the same has been passed without affording reasonable opportunity of being heard to the appellant.

3.1. The Id. AR relied upon the grounds of appeal and submitted a paper book containing page 1 to 241 and prayed that on more opportunity may be given to the assessee to explain the facts before the Ld. CIT(E) along with the relevant explanation.

4. The Id. CIT-DR supported the order of the authority below.

5. We have heard both the parties and perused the material available on record. In this case, the Id. CIT(E) before rejecting the application had given a show-cause dated 18.09.2024 to the assessee after considering the reply of the assessee filed by later dated 12.09.2024 as to why the application should not be rejected as the society appears to be engaged in promotion of Sikh religion as per its objects. But, after the reply of the assessee, filed by an affidavit dated 23.09.2024 mentioning that the institution is complying with all the requirements of law as are material for the purpose of its objects as enumerated in Memorandum of association and by another affidavit dated 12.09.2024 mentioning that there will be no infringement to the 1st proviso to Section 2(1) of the Act (placed at page 221 and 222 of the paper book), no further show-

cause notice was given by the Ld. CIT(E) before rejecting the application of the assessee.

5.1. It is noted that the assessee has been registered under Societies Registration Act, XXI of 1860 and as amended by Punjab Amendment Act, 1957 on 02.07.1980 (page no.16 of the paper book) and further the Ld. CIT(E) has not discussed about the validity of the registration of the assessee trust u/s 12A of the Act in her order. Therefore, in the interest of justice, to give one more opportunity to the assessee to explain its case before the Ld. CIT(E), the order of the Ld. CIT(E) is set-aside and restored to her file for fresh consideration on merit and to pass the order in accordance with law after giving reasonable opportunity of being heard to the assessee.

6. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced as per Rule 34(4) of the ITAT Rules, 1963 on 26th August, 2025.

Sd/-
[UDAYAN DAS GUPTA]
JUDICIAL MEMBER

Dated 26.08.2025.

Shekhar

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT(E)
4. DR

Sd/-
[BRAJESH KUMAR SINGH]
ACCOUNTANT MEMBER

Asst. Registrar,
ITAT, Amritsar

