

IN THE INCOME TAX APPELLATE TRIBUNAL "D" BENCH, KOLKATA

**BEFORE SHRI RAJESH KUMAR, AM
AND
SHRIPRADIP KUMAR CHOUBEY, JM**

**ITA No.1392/KOL/2025
(Assessment Year:2011-12)**

**Srijan Charitable Trust,
36/1 A, Srijan House, Elgin
Road, Bhawanipur,
Kolkata-700020**

Vs.

**Income Tax Officer
(Exemption)
Ward 1(3), Kolkata**

(Appellant)

(Respondent)

PAN No. AAHTS4903K

Assessee by : Shri S.K. Tulsiyan, AR
Revenue by : Shri Sanat Kumar Raha, DR

Date of hearing: 01.09.2025
Date of pronouncement: 15.09.2025

ORDER

Per Rajesh Kumar, AM:

This is an appeal preferred by the assessee against the order of the National Faceless Appeal Centre, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 30.04.2025 for the AY 2011-12.

02. The only issue raised by the assessee is against the order of Id. CIT (A) upholding the order of the Id. AO thereby confirming the addition of ₹20.00 lacs received by the assessee as donation from Herbicare Health Care Bio-Harbal Research Foundation despite the fact that the trustee offered to tax the said amount under IDS scheme.

03. The facts in brief are that the assessee filed the return of income on 30.09.2011, declaring total income at ₹ nil. The return was

processed under section 143(1) of the Act on 01.02.2013. Thereafter the case of the assessee was reopened u/s 147 of the Act by issuing notice u/s 148 of the Act on 22.02.2016, which was complied with by the assessee by filing the return of income. The statutory notices along with questionnaire were duly issued and served upon the assessee. The assessee is a trust registered u/s 12A of the Act vide registration no. DIT(E)/8E/3/08-09/967 dated 28.07.2008. The case was reopened on the basis of statement of Director of Herbicare Health Care Bio-Harbal Research Foundation during the course of survey u/s 133A of the Act on 27.01.2015 that corpus donation was received by the said trust from Herbicare Health Care Bio-Harbal Research Foundation is not genuine and is in fact accommodation entry. Accordingly, the AO treated the corpus donation of ₹20.00 lacs as not genuine and exemption u/s 11(1)(d) of the Act was not allowed. The Id. AO also noted that the said amount was offered to tax by the trustee, Shri Ramnaresh Agarwal in the IDS scheme. The Id. AO noted that the said disclosure by the trustee would not get any remedy in the matter and accordingly, the donation of ₹20.00 lacs was added to the income of the assessee by disallowing the exemption u/s 11(1)(d) of the Act and brought to tax at maximum marginal rate of tax. The Id. AO also noted that the cancellation of registration u/s 12A of the act was under process before the CIT(E), Kolkata. Thus, the Id. AO passed the order u/s 143(3)/ 147 dated 23.12.2016 adding the said income to the total income of the assessee.

04. In the appellate proceedings, the Id. CIT (A) dismissed the appeal when the assessee failed to appear on the various dates/opportunities granted by the Id. Commissioner of Income-tax (Appeals).

05. After hearing the rival contentions and perusing the materials available on record, we find that in this case the assessee trust is registered u/s 12A of the Act vide order dated 28.07.2008. The case of the assessee was reopened u/s 148 of the Act on the basis of the statement of Director of the Herbicure Health Care Bio-Harbal Research Foundation, that the corpus donation received by the assessee trust was not genuine and accordingly, the case of the assessee was reopened. We note that the trustee of the assessee's trust Shri Ramnaresh Agarwal has admitted in the declaration made u/s 183 of the Finance Act, 2016 that he financed the donation given by the above doner. We note that the steps were also initiated by the Id. CIT (E) to cancel the registration of the trust. We note that the said amount was offered to tax by the trustee Shri Ramnaresh Agarwal under IDS and paid the due tax thereon and thus, the said amount suffered the tax as applicable under the law. Therefore, we don't find any reason to uphold the order of the Id. CIT (A) as no income can be assessed twice which is the ratio laid down by the Hon'ble Apex Court in the case of Mahaveer Kumar Jain Vs. CIT vide order dated 19.04.2018. Consequently, we set aside the order of the Id. CIT (A) and direct the Id. AO to delete the addition.

06. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 15.09.2025.

Sd/-
(PRADIP KUMAR CHOUBEY)
(JUDICIAL MEMBER)

Sd/-
(RAJESH KUMAR)
(ACCOUNTANT MEMBER)

Kolkata, Dated: 15.09.2025

Sudip Sarkar, Sr.PS



Copy of the Order forwarded to:

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT,
5. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Kolkata