

**IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, MUMBAI**

**BEFORE HON’BLE SH SANDEEP GOSAIN, JUDICIAL MEMBER
&
HON’BLE SH PRABHASH SHANKAR, ACCOUNTANT MEMBER**

**I.T.A. No. 4429/Mum/2025
Assessment Year: 2025-26**

Discover Foundation Flat No. 602, 6 th Floor, B-Wing, Rustomjee Elita, Andheri, Mumbai PAN – AAKCD1826C	Ekam	Vs	ITO (Exemptions) 601, 6 th Floor, Cumballa Hill MTNL TE Bldg, Pedder Road, Mumbai
(Assessee)			(Respondent)

Assessee by	Shri Vijaykumar S. Biyani
Revenue by	Shri Umashankar Prasad, CIT DR

Date of Hearing	16.09.2025
Date of Pronouncement	22.09.2025

ORDER

SANDEEP GOSAIN, JUDICIAL MEMBER:

The present appeal has been filed by the assessee challenging the impugned order dt. 24.06.2025 passed under section 250 of the Income Tax Act, 1961 (‘the Act’), by the National Faceless Appeal Centre (NFAC) / CIT(A) for the assessment year 2025-26. The assessee has raised the following grounds:

1. *The Ld. CIT(E) erred in law and on facts in rejecting the application for registration u/s 12A/12AB of the IT Act, 1961.*
2. As per the facts of the present case, the application in Form 10AB u/s 12A(1)(AC)&(iii) filed by the assessee

seeking registration u/s 12AB of the Act was rejected on the ground that as per the objects of the trust deed, the applicant intends to *apply funds outside India*.

3. In this regard, Ld. AR submitted that before rejecting the application, Ld. CIT(E) had not provided *sufficient opportunity* of being heard to the assessee. The Ld. AR also placed on record copy of ***affidavit declaring and confirming about the application of funds for promotion of international welfare***, and also drawn our attention towards ***revised copy of Memorandum Of Association along with necessary documents filed with Ministry of Corporate Affairs*** and submitted that assessee has not violated any of the provisions of the Act. Therefore the application for seeking registration was wrongly rejected.

4. Whereas on the contrary Ld. DR relied upon the orders passed by the revenue authorities.

5. Be that as it may, since the assessee has filed *detailed affidavit* along *revised copy of Memorandum Of Association*, along with necessary documents filed with Ministry of Corporate Affairs, which goes to show that assessee has revised its objects in their Memorandum Of Association. Therefore in such circumstances, without going into the merits of the case, we are of the view that this matter required reconsideration at the end of Ld. CIT(E), in view of changed circumstances i.e filing of

detailed affidavit by the assessee declaring and confirming about the application of funds and also revised copy of Memorandum Of Association, wherein the assessee has already amended their objects thus considering such circumstances, we deem it proper to restore the matter back to the file of Ld. CIT(E) for deciding the same afresh after taking into consideration the documents as discussed by us and also by providing opportunity to the assessee.

6. Before parting, we make it clear that our decision to restore the matter back to the file of the Ld. CIT(E) shall in no way be construed as having any reflection or expression on the merits of the dispute, which shall be adjudicated by the Ld. CIT(E) independently in accordance with law.

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

Order pronounced in the open court on 22/09/2025.

Sd/-

(PRABHASH SHANKAR)
(ACCOUNTANT MEMBER)

Sd/-

(SANDEEP GOSAIN)
(JUDICIAL MEMBER)

Mumbai:
Dated: 22/09/2025

KRK, Sr. PS.

Copy of the order forwarded to:

- (1) The Assessee
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy

By order

(Asstt. Registrar)
ITAT, Mumbai