

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, AMRITSAR.**

**BEFORE SH. MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER
AND
SH. UDAYAN DASGUPTA, JUDICIAL MEMBER
(Hybrid Hearing)**

**I.T.A. No. 183 & 184/Asr/2025
Assessment Year: 2024-25**

Gardex Human Foundation, V.P.O. Bishrampur, Kartarpur. [PAN:-AAETG3163C] (Appellant)	Vs.	CIT (Exemption), Chandigarh. (Respondent)
--	-----	--

Appellant by	Sh. S.K. Vatta, CA.
Respondent by	Sh. Ravinder Mittal, CIT. DR

Date of Hearing	08.09.2025
Date of Pronouncement	26.09.2025

ORDER

Per: Udayan Dasgupta, J.M.:

This appeal is filed by the assessee against the order of ld. CIT (E), rejecting the application for registration u/s 12A(1)(ac)(iii) of the Act 1961, vide order dated 05.02.2025. The grounds of appeal taken by the assessee in Form No. 36 are as below:

“1. That the Ld. CIT (Exemptions) was absolutely wrong and unjustified as erred both on facts and in law to have refused to

grant due registration of the Trust as filed in form 10AB u/s 12A(l)(ac)(iii) of the Income Tax, disregarding the fact that both the conditions as stipulated in clause 12A(l)(ac)(iii) was duly complied with.

2. That the Ld. CIT (Exemptions) was wrong, unjustified in law and on facts to refuse to grant registration without affording any opportunity to be heard, represents and meet with the objections of the Ld. PCIT (Exemptions) for due grant of Registration of the Trust.

3. That Appellant craves to add, modify, delete any ground/s of appeal during the course of appeal proceedings.”

2. The brief facts emerging from records are that the assessee is a charitable trust and has applied for registration u/s 12A(1)(ac)(iii) of the Act on 27.09.2024 alongwith copies of trust deed, provisional registration, copies of audited financial statements, copy of bank statements and photographic evidence of charitable activities carried out . However, the said application for registration has been refused by the Id. CIT(E), Chandigarh on the ground that the application is not supported by documentary evidences, and it has been further observed that only one charitable activity has been carried out by the assessee trust, which is tree plantation supported by documentary evidences.

2.1 In absence, of any photographs or supporting documentary evidences, the involvement of applicant in any other charitable nature of activities, has not been proved. Further in absence of documentary evidences the genuineness of the activities and the objects of the trust could not be established resulting in rejection of the application for registration.

3. In course of hearing before the tribunal the ld. AR of the assessee trust submitted that the trust is very much engaged in various charitable activities as per its objects contained in the trust deed and he further referred to (*page no. 29*) of the paper book where the acknowledgment of response as called for by the ld. CIT(E) has been uploaded in the online portal.

3.1 He further submitted that the trust has been granted provisional registration on 28.02.2023 u/s 12A(1)(ac)(vi) assessment year *2023-24 to 2025-26* and also has been granted registration u/s 80G (5) clause (iv) of the Act vide order dated 28.02.2023. One of the activities carried out by the trust was tree plantation for preservation of nature, and the said activities was carried out at village Bishrampur Kartarpur, support of which documentary evidences of bills and bank statements has been furnished. Thereafter, he submitted that after perusal of all financial documents and audit report filed, the ld. CIT(E) has rejected the application for registration without looking into the evidences of various charitable activities supported by

photographs and before rejection of the same no SCN (show cause notice) has been issued and the assessee was never allowed an opportunity to explain the activities with documentary evidences to her satisfaction in absence of any opportunity being provided before rejecting the application.

3.2 He further submitted that when the objects of the trust is charitable in nature and it falls under the general public utility, the registration to the institution cannot be denied. In support of his contention he relied upon the Hon'ble Supreme Court Judgment in the case of *Water & Land Management Training a Research Institute reported in 461 ITR 1 (SC)*. As such, he prayed for an opportunity to present himself before the Id. CIT(E) and to explain his case to her satisfaction.

4. The Id. DR relied on the order of the Id. CIT(E), but has no objection if the matter is remanded back to the file of the Id. CIT(E) for fresh adjudication.

5. We have heard the rival submissions and considered the materials on record and we find that before rejecting the application for registration, the Id. CIT(E) has not allowed any opportunity to explain the case and the Id. CIT(E) has also not pointed out any specific deficiency in the objects of the trust or any violation to the provisions of section 2(15) of the Act and no such defects has also been pointed out in the objects of the trust deed which are supported by audited accounts. We also find that activity carried out by the assessee relating to plantation of saplings, is

directly connected with the preservation of nature and the surrounding environment, and the assessee case is covered by its objects. We are also of the opinion, that before rejection of the application, the assessee should have been allowed an opportunity to explain his case which has not been done.

5.1 As such, in the interest of justice, we set aside the matter back to the file of the Id. CIT(E) to consider the application for registration afresh after allowing one more opportunity to the assessee to produce all necessary documentary evidences in support of his contention, and the assessee is also directed to fully cooperate in fresh proceedings.

6. As such, the appeal of the assessee is allowed for statistical purposes.

I.T.A. No. 184/Asr/2025

7. This appeal is filed by the assessee against the order of rejection of the application for approval u/s 80G (5) filed on 27.09.2024 in Form 10AB which has been refused by the Id. CIT(E) vide order dated 05.02.2025.

8. Our observation in ITA No. 183/Asr/2025 applies *mutatis mutandis* to this appeal also. Since we have remanded the appeal in respect of application for registration u/s 12A(1)(ac)(iii) back to the Id. CIT(E), this appeal in respect of approval u/s 80G(5) is also remanded back to the Id. CIT(E) to be decided in tandem with the application for registration.

9. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced on 26.09.2025 under Rule 34(4) of the Income Tax Appellate Tribunal Rules 1963.

Sd/-

(MANOJ KUMAR AGGARWAL)
Accountant Member

Sd/-

(UDAYAN DASGUPTA)
Judicial Member

AKV

Copy of the order forwarded to:

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

True Copy
By order

