

**आयकर अपीलीय अधिकरण, “एस.एम.सी” न्यायपीठ, कटक**  
**IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH CUTTACK**

**(THROUGH VIRTUAL HEARING)**

श्री जार्ज माथन, न्यायिक सदस्य के समक्ष ।  
**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER**

आयकर अपील सं/ITA No.216/CTK/2025  
(निर्धारण वर्ष / Assessment Year : 2018-2019)

<b>Madhusudan Academy Of Science And Charitable Trust, Kunjakanta, Dhenkanal, 759001</b>	Vs	<b>ITO, Exemption Ward, Bhubaneswar</b>
PAN No. : <b>AACTM 1910 F</b>		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से /Assessee by	:	Shri, K.C.Jena, AR
राजस्व की ओर से /Revenue by	:	Shri Vijay Singh, Sr. D.R.
सुनवाई की तारीख / <b>Date of Hearing</b>	:	24/09/2025
घोषणा की तारीख/ <b>Date of Pronouncement</b>	:	24/09/2025

**आदेश / ORDER**

This is an appeal filed by the assessee against the order of the Ld. Addl/JCIT(A)-6, Delhi order dated 30/01/2025 in Appeal No.CIT(A),Bhubaneswar-1/14820/2019-20 for the assessment year 2018-19.

2. It was submitted by the Ld. AR that the assessee is a trust which has not got registration under section 12A of the Act. It was submission that the returned filed by the assessee for the impugned assessment year came to be processed and intimation u/s. 143(1) of the Act came to be issued where in the expenses claimed being the application has not been considered and the total gross receipt has been treated as the income of the assessee. It was submission that if I told the income of the assessee is to be assessed then income should have been assessed as business

income and the business income should have been computed this has not been done. It was submission that the expenses could not been disallowed as a *prime facie* adjustment without verification. It was submission that the adjustment has made did not fall within the preview of the provision of section 143(1) of the Act.

3. In reply, the Ld. Sr. DR vehemently supports the order of the CPC and the Ld. JCIT.

4. I have considered the rival submission. A perusal of the facts in the present case clearly shows that the assessee had shown the gross income at Rs.16,84,379/- and the net income at Rs.6,00,320/-. The CPC when processing the returned and issuing the intimation under 143(1) of the Act has not allowed the expenses claimed but has treated the entire gross receipts of Rs.16,84,379/- as income of the assessee. This admittedly is not permissible as per the provisions of section 143(1) of the Act as the adjustment made are not within preview of the provisions 143(1) of the Act, the intimation issued is found to be erroneous and same stands quashed.

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

Order dictated and pronounced in the open court on 24/09/2025.

Sd/-  
(जार्ज माथन)  
**(GEORGE MATHAN)**  
न्यायिक सदस्य / JUDICIAL MEMBER

दिनांक Dated 24/09/2025  
Prakash Kumar Mishra, Sr.P.S

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant- Madhusudan Academy Of Science And Charitable Trust,  
Kunjakanta, Dhenkanal,  
759001.
2. प्रत्यर्थी / The Respondent- ITO, Exemption Ward,  
Bhubaneswar
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR, ITAT,  
Cuttack
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

**(Assistant Registrar)**

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack