

IN THE INCOME TAX APPELLATE TRIBUNAL
"G" BENCH, MUMBAI
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER &
SMT RENU JAUHRI, ACCOUNTANT MEMBER
ITA NO. 3790/MUM/2025 (AY: 2024-25)
(Physical hearing)

Sacred Heart Church, S.V. Road, Santacruz, Mumbai – 400054. [PAN: AABTS 8974 L]	Vs	ITO (Exemption) Ward-2(3), Mumbai,
Appellant / Assessee		Respondent / Revenue

Assessee by	Shri M.A. Gohel, CA
Revenue by	Shri Swapnil Chaudhary, Sr. DR
Date of Institution	29.05.2025
Date of hearing	30.09.2025
Date of pronouncement	31.10.2025

Order under section 254(1) of Income Tax Act

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal by assessee is directed against the orders of Id. CIT(A) dated 21.03.2025 for AY 2024-25. Though, the assessee has raised multiple ground of appeal, however, in our considered view, the substantial ground of appeal relates to denial of relief on application of income under section 11 of Income Tax Act, for want of delay in filing Form-10B, rest of the grounds of appeal are consequential.
2. Rival submissions of both the parties have been heard and record perused. The learned Authorised Representative (Id. AR) of the assessee submits that assessee is a trust registered under Maharashtra Public Trust Act. The assessee is having registration under section 12A/12AB of Income Tax Act. The object of the assessee is religious and charitable in nature. In

furtherance of its object, the assessee trust is running/managing Church in Santacruz Mumbai. The assessee provides food, educational aid and medical help to the poor and needy persons. The assessee filed its return of income on 14.11.2024. Due date for filing report in Form 10B was 07.10.2024. The assessee filed its report in Form 10B on 14.11.2024, thus, there was a delay of 39 days, though it was filed before filing return of income on the same date. The assessing officer / Central Processing Centre (CPC) while processing the return of income did not allow application of income under section 11. The Id. AR of the assessee submits that there are a series of decisions by Tribunal and High Courts wherein it has been consistently held that filing of Form 10B is directory and delay in filing such form is liable to be condoned. Even if such report in Form 10B is available at the time of assessment order, the benefit of section 11 should be allowed to the assessee.

3. The Id. AR of the assessee further submits that he relies on the decision of Mumbai Tribunal in Church of Our Lady of Immaculate Conception Vs ITO in ITA No. 4999& 4998/ Mum/2025 dated 18.09.2025, wherein similar relief was allowed by Tribunal, copy of such decision is placed on record. The Id. AR of the assessee also submits that in a series of decisions by various benches of Tribunal and High Courts held that the tax authorities must have a justice-oriented approach rather than a pedantic one, and to condone the delay.
4. On the other hand, the learned Senior Departmental Representative (Sr. DR) for the revenue supported the order of lower authorities. The assessee has crossed the time limit for filing Form-10B.

5. We have considered the rival submissions of both the parties and have gone through the orders of lower authorities carefully. We have also deliberated on laws relied by the Id. AR of the assessee. We find that there is very short dispute in the present appeal. Admittedly, there is delay of 39 days in filing Form 10B. Though, the same was filed along with the return of income. We find that in a series of decision, as relied by Id AR of assessee, various High Courts as well as Tribunals have taken view that when audit report / Form 10B was filed even at later stage and the same was available before assessing officer when return was processed, the assessee is entitled to exemption. Thus, considering the facts of the case and keeping in view, various decision of High Courts and co-ordinate bench of Tribunal including in Church of Our Lady of Immaculate Conception Vs ITO (supra), the delay in filing form 10B is also allowed and jurisdictional assessing officer (JAO) is directed to verify the fact and allow appropriate relief for application of income under section 11. The assessee is also directed to provide requisite details, if so desired by jurisdiction assessing officer. In the result, grounds of appeal raised by assessee are allowed for statistical purpose.
6. In the result, the appeal of the assessee is allowed for statistical purpose.

Order was pronounced in the open Court on 31/10/2025.

Sd/-

RENU JAUHRI
ACCOUNTANT MEMBER

Sd/-

PAWAN SINGH
JUDICIAL MEMBER

MUMBAI, Dated: 31/10/2025
Self

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The PCIT / CIT (Judicial);
- (4) The DR, ITAT, Mumbai; and
- (5) Guard file.

By Order

Assistant Registrar
ITAT, Mumbai