

आयकर अपीलीय अधिकरण, विशाखापटणम पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Visakhapatnam Bench, Visakhapatnam

Before Shri Ravish Sood, Judicial Member
and
Shri Balakrishnan S., Accountant Member

आ.अपी.सं / **ITA No.470/Viz/2025**
(निर्धारण वर्ष / Assessment Year: NA)

C P Reddy Charitable Trust, Rajahmundry. PAN: AABTC3393F (Appellant)	Vs.	Commissioner of Income Tax (Exemption), Hyderabad. (Respondent)
निर्धारिती द्वारा / Assessee by:	Smt. V. Krishna Kumari, Advocate	
राजस्व द्वारा / Revenue by:	Sri Badicala Yadagiri, CIT-DR	
सुनवाई की तारीख / Date of Hearing:	09 / 10 / 2025	
घोषणा की तारीख / Date of Pronouncement:	29 / 10 / 2025	

ORDER

प्रति रवीश सूद, जे.एम./PER RAVISH SOOD, J.M.

The present appeal filed by the assessee trust is directed against the order passed by the Commissioner of Income Tax (Exemptions) [hereinafter referred to as "CIT(Exemptions)"], Hyderabad, dated 17.06.2025 rejecting its application filed in "Form No. 10AB" for regular registration under Section 80G(5) of the Income-tax Act, 1961 (for short, "the Act"). The assessee

trust has assailed the impugned order on the following grounds of appeal before us:

1. a) The Learned Commissioner (Exemption) has erred in rejecting the appellant's application for renewal under section 80G for the reason that the same is filed beyond the time limit prescribed for filing the Form 10AB.

b) The Learned Commissioner failed to consider the application submitted for condonation of delay in filing Form 10AB explaining that the Managing Trustee's son died in a road accident and the Author of the Trust, who is mother of all other Trustees passed away during the relevant period and that the delay occurred due to these genuine reasons.

c) The Learned Commissioner having asked the appellant to produce detailed reply to various specific information relating to the Trust, failed to consider the said information and rejected the application straight away without considering the merits of the case. The Learned Commissioner failed to appreciate that the assessee Trust is genuinely carrying out charitable activities ever since it is established and is eligible for continuation of approval under section 80G.
2. Any other ground that may be urged at the time of the hearing of appeal.”

2. Succinctly stated, the assessee trust was granted provisional registration under Section 80G of the Act by the Central Processing Centre (CPC) in “Form No. 10AC” dated 24.09.2021, valid for the period from AY 2022–23 to AY 2024–25.

3. The assessee trust, had thereafter filed an application for regular registration under Section 80G of the Act in “Form No.

10AB” on 31.12.2024. During the course of the proceedings, the assessee trust had in response to notices issued by the CIT(Exemptions), dated 29.03.2025 and 19.05.2025, vide its replies submitted the requisite details/information in response to the queries that were raised by him.

4. However, the CIT(Exemptions) rejected the aforesaid application vide his order dated 17.06.2025, on the ground that the assessee trust had failed to apply for regular registration within the prescribed time limit. It was observed by him that as per the amended provisions introduced by the Finance Act, 2020, an application in “Form No. 10AB” should be filed at least six months prior to the expiry of the provisional registration or within six months from the commencement of its activities, whichever is earlier.

5. The CIT(Exemptions) further observed that the CBDT vide Circular No. 7/2024 dated 25.04.2024 had extended the “due date” for filing Form No. 10A/10AB till 30.06.2024. It was observed by him, that as the assessee trust had filed its application in “Form 10AB” on 31.12.2024, therefore, it was time-barred. Accordingly, the CIT(Exemptions) rejected the

application filed by the assessee trust for regular registration under Section 80G of the Act on the ground of the delay involved in filing the same.

6. Aggrieved, the assessee trust has carried the matter in appeal before us.

7. Smt. V. Krishna Kumari, Advocate, Ld. Authorised Representative (for short, "AR") for the assessee trust at the threshold of hearing, submitted that the assessee trust is carrying on charitable activities, viz. providing food to the poor, educational assistance, medical camps, food and medical assistance to aged people etc. The Ld. AR further took us through the financial statements of the assessee trust for the preceding years. The Ld. AR submitted that the application filed by the assessee trust for regular registration under Section 80G has been rejected by the CIT (Exemption), Hyderabad for the reason that the same was filed beyond the prescribed time period. Elaborating on the reasons leading to the delay in filing the application, the Ld. AR submitted that the same had crept in due to the unfortunate death of the son of the managing trustee in a road accident. The Ld. AR submitted that thereafter

the mother of the trustees had expired. The Ld. AR submitted that as the delay in filing the application for regular registration was on account of the aforesaid unfortunate and compelling reasons, therefore, the same in all fairness be condoned and the matter be restored to the file of the CIT(Exemption) for considering the same on merits.

8. Sri Badicala Yadagiri, CIT-DR supported the order of the CIT(Exemptions), and submitted that the time limit for filing an application for registration under section 80G of the Act, as prescribed under the law is mandatory in nature, and the CIT(Exemptions) has no discretion to condone the delay in filing of “Form 10AB”.

9. We have heard the Ld. Authorized Representatives of both parties and perused the material available on record.

10. Admittedly, the assessee trust that was granted provisional registration under Section 80G of the Act, had filed “Form 10AB” for regular registration on 31.12.2024. As observed by us hereinabove, the CBDT, vide Circular No. 7/2024 dated 25.04.2024, had extended the “due date” for filing

such application till 30.06.2024, therefore, there can be no denying the fact that the application filed by the assessee trust was beyond the prescribed time limit.

11. Although the delay in filing the application for regular registration under Section 80G in "Form 10AB" is procedural in nature, but we are afraid that the provisions of the Act read along with the CBDT Circular No. 7/2024 (supra) are clear on the prescribed time limit in so far the filing of an application for regular registration in "Form 10AB" under Section 80G of the Act is concerned. However, we are at the same time of a firm conviction that procedural lapses should not be allowed to defeat the substantive rights, particularly in matters of charitable trusts seeking exemptions. Although there is no explicit provision under the Income-tax Act or rules for condonation of the delay in filing of "Form 10AB" for regular registration under Section 80G of the Act, but, the assessee trust remains at liberty to approach the CBDT for condonation under Section 119(2)(b) of the Act. Thereafter, the CIT(Exemptions) is directed to take up and dispose of the application filed by the assessee trust for regular registration

under Section 80G of the Act, on merits, in accordance with extant law and after providing due opportunity of being heard to the assessee trust.

12. Resultantly, the appeal of the assessee trust is allowed for statistical purposes in terms of our aforesaid observations.

Order pronounced in the Open Court on 29th October, 2025.

Sd/- (BALAKRISHNAN S.) ACCOUNTANT MEMBER	Sd/- (RAVISH SOOD) JUDICIAL MEMBER
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Hyderabad,

Dated 29th October, 2025

OKK / SPS

Copy to:

S.No	Addresses
1	CP Reddy Charitable Trust, 4-1-1, Narasimharaopeta, Ganga Yamuna Complex, Alcot Gardens, Rajahmundry,

	Andhra Pradesh – 533101.
2	Commissioner of Income Tax (Exemption), Aayakar Bhavan, Opp. LB Stadium, Basheer Bagh, Hyderabad, Telangana-500004.
3	The Pr.CIT, Visakhapatnam
4	The DR, ITAT Visakhapatnam Bench.
5	Guard File

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