

आयकर अपीलीय अधिकरण, जयपुर न्यायपीठ, जयपुर
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES,"A-Bench" JAIPUR

श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य एवं श्री नरेन्द्र कुमार, न्यायिक सदस्य के समक्ष
BEFORE: SMT. ANNAPURNA GUPTA, AM & SHRI NARINDER KUMAR, JM

आयकर अपीलसं./ITA No. 1002 & 1003/JPR/2024

Shrimad Dayanand Shiksha Samiti 1, Dayanand Marg, Bhilwara-311001.	बनाम Vs.	The CIT Exemption, Jaipur.
स्थायीलेखा सं./जीआईआरसं./PAN/GIR : AACAS1839C		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओरसे / Assessee by : Shri Mahendra Gargieya, Adv. &
Shri Devang Gargieya, Adv.
राजस्व की ओरसे / Revenue by: Mrs. Anita Rinesh, JCIT-DR

सुनवाई की तारीख / Date of Hearing : 24/12/2025
उदघोषणा की तारीख / Date of Pronouncement: 05/01/2026

आदेश / ORDER

PER: NARINDER KUMAR, JUDICIAL MEMBER .

This is second round of litigation by the appellant Samiti. The appellant is feeling aggrieved by the impugned orders, dated 07.06.2024, passed by Learned CIT(E), as thereby its two applications i.e. one u/s 12AB and the other under section 80G of the Income Tax Act, 1961 (hereinafter referred to as "the Act"), came to be rejected.

Application u/s 12AA of the Act was filed by the applicant society before Learned CIT(E), on 12.01.2019. Said application earlier came to be rejected vide order dated 31.07.2019. Feeling aggrieved by the rejection of

that application u/s 12AA of the Act, the applicant society had come up in appeal- ITA No. 1062/JPR/2019.

While disposing of that appeal for statistical purpose, Coordinate Bench of ITAT, Jaipur Benches restored the application u/s 12AA of the Act to the files of Learned CIT(E) for afresh examination of the issue in question and to act, accordingly.

It is submitted that the other application under section 80G of the Act was also dismissed by Learned CIT(E), on account of rejection of application under section 12 AA of the Act, and appeal-ITA No.1063/JPR/2019 filed while challenging said order was also disposed of by the Co-ordinate Bench restoring the application to the files of Learned CIT(E) for examination of the issue in question afresh, and to act, accordingly.

2. After restoration of the two applications, Learned CIT(E) came to seize of the matter once again. However, vide impugned order dated 07.06.2025, Learned CIT(E) rejected the application u/s 12AB on the following two grounds:-

- Non Genuineness of Activities.
- Non registration under the Rajasthan Public Trust Act, 1959.

3. It may be mentioned here that the other application u/s 80G of the Act filed by the assessee was, once again, rejected for want of registration u/s 12AA of the Act.

4. That is how, the applicant society is in appeals before this Appellate Tribunal by way of second round of litigation.

5. Arguments heard. File perused.

6. Admittedly, the applications initially presented seeking registration u/s 12AA and approval u/s 80G of the Act, were rejected vide orders dated 31.07.2019. When the said orders were challenged by the applicant society by way of appeal, Coordinate Bench, ITAT, Jaipur Benches restored the matters to Learned CIT(E) vide order dated 03.09.2020.

Contentions raised

7. One of the contentions raised by Ld. AR for the appellant society is that on restoration of the matter to the files of Learned CIT(E), Learned CIT(E) was to examine the self attested or self certified copies of each and every document/instrument, and then register the applicant society u/s 12AA of the Act, and consequently also grant approval u/s 80G of the Act, but, Learned CIT(E) proceeded to enquire into the matter, called upon the

applicant society to furnish various details, and thereby exceeded the scope which was limited one, as per the order dated 03.09.2020, passed by the Coordinate Bench of ITAT, Jaipur Benches.

Accordingly, Ld. AR for the appellant society has urged for setting aside of the impugned order whereby application u/s 12AA of the Act has been rejected.

8. On the other hand, Ld. DR for the department has referred to the extract of the order dated 03.09.2020 passed by the Coordinate Bench, ITAT, Jaipur Benches, as available in para 2.0 of the impugned order in ITA No. 1003/JPR/2024, and submitted that from the directions issued vide order dated 03.09.2020, it cannot be said that Learned CIT(E) was to register the applicant society u/s 12AA of the Act simply on the basis of self attested or self certified copies of each documents, and also to grant approval u/s 80G of the Act, and rather, Learned CIT(E) was directed to examine the issue afresh and dispose of the applications.

Ld. DR has also drawn our attention to the two notices dated 15.11.2022 issued by Learned CIT(E) to the applicant society, whereby the society was requested to submit additional documents/clarifications etc., if

any through email/in person, for the purpose of disposal of the application u/s 12AA and 80G of the Act.

Reference has also been made to copy of email dated 18.11.2022 from the applicant society to Learned CIT(E), in response to the above said notice dated 15.11.2022, whereby the applicant society had simply submitted an application seeking adjournment in the cases.

The contention is that the applicant Samiti did not comply with the directions of Learned CIT(E) and as such, the applications rightly came to be dismissed.

Discussion

9. As pr record, on restoration of the matters to Learned CIT(E), first letter issued by the office of Learned CIT(E) to the applicant society was of 16.03.2022.

10. This letter dated 16.03.2022 runs into 4 pages of the paper book dated 28.12.2024 (page 44 to 47). Vide this letter, various details/informations and clarifications were sought by Learned CIT(E). The applicant society submitted its response dated 21.03.2022 submitting therein that the Coordinate Bench of ITAT, Jaipur Benches had actually

allowed the appeals of the assessee for statistical purposes and restored the issue to the files of Learned CIT(E) for a limited purpose i.e. to consider the attested copies, already placed on record, and grant registration.

11. On perusal of the order dated 03.09.2020, passed by the Coordinate Bench of ITAT, Jaipur Benches, it cannot be said that the appeals filed by the assessee i.e. ITA No. 1062/JPR/2019 and ITA No. 1063/JPR/2019 were allowed. Actually, the appeals were disposed for statistical purposes, the reason being that the applications of the applicant society were restored to the files of Learned CIT(E) for fresh examination of the issues involved, and to act accordingly.

The fact remains that in response to the first letter dated 16.03.2022 issued on remand of the matters, the applicant society did not comply with the directions issued by Learned CIT(E), by furnishing requisite details, information and clarifications.

12. Record reveals that even thereafter, Learned CIT(E) provided another opportunity to the applicant society to furnish additional documents/clarification etc. if any, but, even then the applicant society did not furnish any documents/clarifications if any, in support of its claim u/s

12AA and 80G of the Act, and rather, by way of email dated 18.11.2022 (page 2 of the paper book dated 23.12.2025 submitted by the Revenue), the applicant society sought adjournment.

Surprisingly, in its paper books dated 28.12.2024, and 22.12.2025, applicant society has not furnished copy of abovesaid email dated 18.11.2022 submitted in response to the two notices dated 15.11.2022 issued by Learned CIT(E), even though in para 2.2. of the impugned order, Learned CIT(E) specifically mentioned about the opportunities granted by him to the applicant society, so as to ascertain genuineness of its activities, and specifically recorded that despite another opportunity by way of show cause notice dated 25.05.2024, the applicant society had failed to comply with the directions contained therein.

13. A perusal of show cause notice dated 25.05.2024 would reveal that Learned CIT(E) called upon the applicant society to furnish, following information/documents:-

- “1. Furnish copies of latest three years income and expenditure accounts, balance sheet, along with supporting evidences and bank account statement.
2. Furnish whether your institution is registered under the RPT Act, 1959. If not, furnish an explanation as to why the same should not be considered as violation of section 12AB(1)(b)(i)(B) of the Income Tax Act read with sec 17 of the Rajasthan Public Trust Act, 1959.

3. It is further seen from the record that you have obtained regular registration under sub clause (i) of clause (ac) of sub-section (1) of section 12A dated 24.09.2021 along with regular approval under clause (i) of first proviso to sub-section (5) of section 80G dated 24.09.2021. In this regard, please furnish copy of earlier orders regarding your registration under 12A & 80G prior to 01.04.2021 which is precondition to obtain your above registration both dated 24.09.2021, if any. In case you failed to do so, proceedings for cancellation your both registration dated 24.09.2021 may be initiated separately.

4. You have claimed that you running a school, please submit following:

(a) Approval from Board from which it is approved.

(b) approval from State Government to run school.

(c) You have not shown any receipt from school, please clarify whether school is run free or fee is shown as donations.

(d) Rate chart of fee..

(e) details of donations.

5. furnish expense of salary in following form

Name of the employee	Post	Qualification	Salary per month	Mobile No.	Copy of ledger account	Paid through cash/cheque

Furnish the above response on 04.06.2024 either in person or through e-mail, this may be treated as final opportunity in case of failure your case will be decide on material available on record.”

14. Surprisingly, the applicant society once again did not furnish the details/documents/information required by Learned CIT(E) vide show cause notice dated 25.05.2024, and rather, again claimed that the Coordinate Bench of ITAT, Jaipur Benches, had already allowed the appeals filed by the society and restored the issue for fresh examination.

15. The fact remains that the applicant society failed to furnish the requisite information i.e. as required vide show cause notice dated 25.05.2024 as well.

16. At this stage, reference may be made to para 3 of the impugned order, passed by Learned CIT(E) wherein Learned CIT(E) specified the details which were sought from the applicant society for verification of genuineness of the activities, which the applicant failed to furnish despite ample opportunities. Learned CIT(E) specified that following details were not furnished by the applicant society despite notices:-

- “Current status of institution and verification of activities/margins through latest final accounts.
- Whether approved from Educational Authorities,
- Whether approved from State Government to run school,
- Assessee have requisite number of teacher for running educational institution,
- Whether salary is genuine if given to staff teaching/non teaching,
- Profit margin whether running charitable or on commercial basis,
- Fee structure and comparable structure of other institutes, to verify profitability or charitable.
- Details of donations if running on donation or from fees from students.

However, applicant not furnished any reply even after ample of opportunities. On the above discussion, the genuineness of activities is not ascertained.”

17. When the applicant society failed to comply with the directions issued by Learned CIT(E), vide notices referred to above, we find that Learned CIT(E) was justified in observing that he could not determine as to

whether the applicant was genuinely carrying out activities, and that too as per its objects.

At this stage, it may be mentioned here that faced with the factum of non compliance with the notices issued by Learned CIT(E), after restoration of the matters by the Coordinate Bench of ITAT, Jaipur Benches, Ld. AR for the appellant society stated before us at the Bar that the matters may be restored to files of Learned CIT(E) so as to enable the applicant society to provide another opportunity of being heard, including an opportunity of providing of requisite documents/information for decision afresh.

Ld. DR for the department did not raise any objection to the said submissions made by Ld. AR for the appellant society for restoration of the matters to Learned CIT(E) for decision afresh.

18. Keeping in view the peculiar facts and circumstances of the matters, we find that the representative of the applicant society, before Learned CIT(E) was under some mistaken belief that no further document was required to be produced before Learned CIT(E), even though the Coordinate Bench of ITAT, Jaipur Benches had observed that the applicant society was not required to furnish original documents. Whatsoever documents were sought by Learned CIT(E), after restoration of

the matters, the applicant society was entitled to produce self attested or self certified copies of documents for the purpose of verification, to enable Learned CIT(E) to examine the issue involved and decide the same afresh.

In the given situation, we deem it a fit case to allow the request of Ld. AR for the appellant society for restoration of the two matters before Learned CIT(E)).

With the restoration of the matters, the applicant society shall be entitled to produce self attested or self certified copies of all the relevant documents for the purpose of verification, and adjudication of the issues involved. We order accordingly.

19. It may be mentioned here that in the written submissions, one of the grounds raised to challenge the impugned order was that the impugned orders came to be passed beyond limitation prescribed u/s 153(3) of the Act, as well as period of limitation of 6 months prescribed for the purpose of disposal of application u/s 12AA of the Act, and as such the impugned orders deserved to be set aside.

However, in the course of arguments, when Ld. AR for the appellant requested for restoration of the matters to Learned CIT(E) for decision

afresh, Ld. AR opted not to press this ground of appeal i.e. the impugned orders are barred by limitation.

Accordingly, said ground of appeal that the impugned orders are barred by limitation, is dismissed as having not been pressed.

Result

20. In view of the above discussion, reasons and findings, both these appeals are disposed for statistical purpose and both the applications i.e. one u/s 12AA and the other application u/s 80G of the Act are restored to the files of Learned CIT(E) for decision afresh, after providing another opportunity to the applicant society, of being heard, including opportunity to produce all the relevant documents.

Files be consigned to the record room after the needful is done by the office. Copy of this common order be placed on the connected file.

Order to be pronounced under Rule 34(4) of the Income Tax (Appellate Tribunal) Rules, 1963 by placing the details on the notice board.

Sd/-

(अन्नपूर्णा गुप्ता)
(ANNAPURNA GUPTA)
लेखा सदस्य / Accountant Member

Sd/-

(नरेन्द्र कुमार)
(NARINDER KUMAR)
न्यायिक सदस्य / Judicial Member

दिनांक / Dated:- 05/01/2026

*Santosh

आदेश की प्रतिलिपिअग्रेषित / Copy of the order forwarded to:

1. The Appellant- Shrimad Dayanand Shiksha Samiti, Bhilwara.
2. प्रत्यर्धी / The Respondent- CIT(E), Jaipur.
3. आयकरआयुक्त / TheId CIT
4. आयकरआयुक्त / CIT(A)
5. विभागीय प्रतिनिधि, आयकरअपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्डफाईल / Guard File ITA No. 1002 & 1003/JPR/2024)

आदेशानुसार / By order,

सहायक पंजीकार / Asstt. Registrar