

**IN THE INCOME TAX APPELLATE TRIBUNAL
"G" BENCH, MUMBAI
BEFORE SHRI SAKTIJIT DEY, VICE PRESIDENT AND
SHRI JAGADISH, ACCOUNTANT MEMBER**

**I.T.A. No. 5743/Mum/2025
ASSESSMENT YEAR: 2017-18
(Physical Hearing)**

Suresh Shroff Memorial Trust, 4th Floor, 41/42 Lloyds Center Point, Appa Sahib Marathe Marg, Prabhadevi, Mumbai-400025. PAN: [AADTS7750E]	Vs.	ITO (Exemption) Ward 2(2), Mumbai
(Appellant)		(Respondent)

Appellant by	Shri Paras Savla & Ms. Rajnandidni Shukla
Respondent by	Shri. Swapnil Choudhari- Sr. D.R.

Date of Hearing	21.01.2026
Date of Pronouncement	23.01.2026

ORDER

Per: SHRI JAGADISH, A.M.:

1. Aforesaid appeal filed by the assessee is against the order of Learned Commissioner of Income Tax, Appeal, Mumbai [hereinafter "CIT(A)"] dated 11.07.2025 in the matter of assessment framed by Ld. Assessing Officer [AO] u/s.143(3) of the Income Tax Act, 1961 (hereinafter "the Act") dated 11.12.2019.

2. The assessee is a trust and filed the return of income declaring total income as NIL. The AO in the assessment order passed u/s 143(3) has denied the exemption u/s 11 and assessed the total income at Rs.1,16,60,070/-.
3. On appeal, the Ld. CIT(A) in an ex parte order has confirmed the addition.
4. The Ld. Authorised Representative (AR) at the outset has submitted that the Assessing Officer has not allowed the benefit of Section 11 as the assessee has not filed Form 10B on time. The Ld. AR has submitted that the CIT(E) has subsequently condoned the delay in filing Form 10B but the Assessing Officer has not considered the same. The Ld. AR has also submitted that the exemption was denied while processing return u/s 143(1) which has also been restored back to the file of Assessing Officer and is still pending.
5. The Ld. Departmental Representative (DR) submitted that appeal may be dismissed as assessee has not been compliant.
6. We have considered the rival submissions and perused the material available on the record. The Assessing Officer has denied the claim of exemption and assessed the total income at Rs.1,16,60,070/- for late filing of Form 10B, though, the late filing has been condoned by Ld. CIT(E). As the Ld. CIT(A) has passed the ex parte order, we are of considered opinion that the assessee should be given one more opportunity before the Assessing Officer (AO) to substantiate his case. We, accordingly restore the matter back to the file of Assessing Officer (AO) for de nova assessment. We also direct the assessee to cooperate with the notices issued where all issues are kept open for adjudication.

7. In the result, the appeal of the assessee is allowed for statistical purpose.

Order pronounced on 23rd day of January, 2026 at Mumbai.

Sd/-

**(SAKTIJIT DEY)
VICE PRESIDENT**

Sd/-

**(JAGADISH)
ACCOUNTANT MEMBER**

Mumbai, Dated: 23/01/2026.

Ashwani Rao

Sr. Private Secretary

Copy of the order forwarded to:

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

By order

(Assistant Registrar)
ITAT, Mumbai