

**IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH MUMBAI**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER &
SHRI MAKARAND VASANT MAHADEOKAR, ACCOUNTANT MEMBER**

- 1. ITA No. 7700/Mum/2025
(Assessment Year: 2025-26)**
&
**2. ITA No. 7701/Mum/2025
(Assessment Year: 2025-26)**

Arya Sindhu Sanskrit Gurukul Sansthan 141/253 Mulund Colony, Saraswati Chowk, Mumbai-400 082	Vs.	CIT (Exemption), 601, 6 th floor, Cumballa Hill, MTNL TE Building, Pedder Road, Dr. Ganpatrao Deshmukh Marg, Cumballa Hill, Mumbai-400 026
PAN/GIR No. AAATA2526R		
(Applicant)		(Respondent)

Assessee by	Shri Gyaneshwar Kataram, Ld. AR
Revenue by	Shri Rajesh Kumar Yadav, Ld. DR

Date of Hearing	29.01.2026
Date of Pronouncement	30.01.2026

आदेश / ORDER

PER MAKARAND VASANT MAHADEOKAR, AM:

These two appeals filed by the assessee are directed against two separate orders passed by the Commissioner of Income Tax

(Exemptions), Mumbai [hereinafter referred to as CIT(E)], both dated 26.09.2025, namely, order passed in Form No. 10AD rejecting registration under section 12AB of the Income-tax Act, 1961[hereinafter referred to as “the Act”]; and order passed in Form No. 10AD rejecting approval under section 80G(5) of the Act. Since both the appeals arise out of orders passed by the same authority, involve common facts, and are interconnected, they are being disposed of by this consolidated order for the sake of convenience.

Facts of the Case

2. The assessee trust had been granted provisional registration under section 12AB in Form No. 10AC dated 24.09.2022, valid up to Assessment Year 2025–26. Thereafter, the assessee filed an application in Form No. 10AB on 04.03.2025 seeking regular registration under section 12AB in terms of section 12A(1)(ac)(iii); and an application in Form No. 10AB on 11.03.2025 seeking approval under section 80G(5) of the Act.

3. The CIT(E) issued notices dated 07.07.2025, 30.08.2025, 12.09.2025 and 17.09.2025, calling upon the assessee to explain the delay in filing Form No. 10AB and to furnish proof of expenditure on the objects of the trust along with bank statements.

4. The CIT(E) held that as per section 12A(1)(ac)(iii), the application for regular registration ought to have been filed by March, 2023, whereas the assessee filed the same only on

04.03.2025, resulting in a delay of about 24 months. It was further held that the assessee had not complied with the notices issued. On these grounds, registration under section 12AB was rejected. Since the application for registration under section 12AB stood rejected, the CIT(E) further held that the statutory condition under section 80G(5)(i) was not satisfied and, therefore, rejected the application for approval under section 80G as well.

5. Aggrieved by the impugned orders passed by the learned CIT(E), the assessee has preferred the present appeals, raising the following common grounds, save and except for the difference in the relevant statutory provisions invoked therein:

1. *In the circumstances and facts of our case, the Commissioner of Income Tax (Exemptions) has erred in rejecting our application filed in Form 10AB u/s 12A(1)(ac)(iii) on conjectures and surmises which is unwarranted and unlawful.*
2. *In the circumstances and facts of our case, the Commissioner of Income Tax (Exemptions) has erred in rejecting our application filed in Form 10AB u/s 12A(1)(ac)(iii) on conjectures and surmises on the ground that the assessee has filed the application late for regularization of provisional registration which is unwarranted and unlawful.*
3. *In the circumstances and facts of our case, the Commissioner of Income Tax (Exemptions) has erred in rejecting our application filed in Form 10AB u/s 12A(1)(ac)(iii) on conjectures and surmises on the ground that assessee trust has not submitted the proof of expenses on the objects of the despite the fact that the Assessee Trust has submitted the details vide letter dated 17/07/2025 filed on 18/07/2025.*
4. *Without prejudice to the above, in the circumstances and facts of our case, the Assessee did not file its condonation of delay in filing the application in Form AB, the Assessee requests Your Honour to remand the matter back to the learned Commissioner of Income Tax (Exemptions) so that the Assessee can file its condonation of delay in filing the application in Form AB in the interest of natural justice.*

5. *The Appellant crave leave to add, delete or substantiate any grounds of appeal at the time of hearing.*

6. During the course of hearing before us, the learned Authorised Representative (AR) submitted that the assessee had not filed any application for condonation of delay along with Form No. 10AB. It was submitted that, in the interest of natural justice, the matter may be restored to the file of the learned CIT(E) so that the assessee may file an application for condonation of delay and the same may be considered in accordance with law. It was further submitted that the learned Commissioner of Income Tax (Exemptions) erred in holding that the assessee trust had not furnished proof of expenditure on its objects, despite the fact that the assessee trust had submitted the relevant details vide letter dated 17.07.2025, filed on 18.07.2025.

7. The learned Departmental Representative relied upon the impugned orders passed by the CIT(E).

8. We have considered the rival submissions and perused the material available on record. It is evident that the application for registration under section 12AB was rejected primarily on the grounds of delayed filing of Form No. 10AB and alleged non-compliance with the notices issued by the CIT(E). The rejection of approval under section 80G is purely consequential to the rejection of registration under section 12AB.

9. It is an admitted position that the assessee did not file any application seeking condonation of delay in filing Form No. 10AB. The assessee has now specifically requested that an opportunity

be granted to file such an application and to place on record the evidences relating to expenditure incurred on its objects.

10. In our considered view, having regard to the nature of the proceedings and the serious consequences flowing from the rejection of registration and approval, the ends of justice would be met if the assessee is afforded one more opportunity to place on record its application for condonation of delay and supporting evidences, and the same are examined by the CIT(E) in accordance with law.

11. We accordingly set aside both the impugned orders dated 26.09.2025 passed by the CIT(E) rejecting registration under section 12AB and approval under section 80G, and restore both the matters to the file of the CIT(E) for fresh adjudication in accordance with law after affording reasonable opportunity of being heard to the assessee.

12. In the result, both the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the open court on 30.01.2026.

Sd/-
(AMIT SHUKLA)
JUDICIAL MEMBER

Sd/-
(MAKARAND VASANT MAHADEOKAR)
ACCOUNTANT MEMBER

Mumbai, Dated 30/01/2026
Dhananjay, Sr.PS

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.

3. संबंधित आयकर आयुक्त / The CIT(A)
4. आयकर आयुक्त (अपील) / Concerned CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुम्बई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

1.

उप/सहायक पंजीकार (Asst. Registrar)
आयकर अपीलीय अधिकरण, मुम्बई/ ITAT, Mumbai