

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'SMC', NEW DELHI**

**Before Sh. Satbeer Singh Godara, Judicial Member**

**ITA No. 331/Del/2026 : Asstt. Year: 2014-15**

**ITA No. 332/Del/2026 : Asstt. Year: 2018-19**

Sankalp Society, 1, Rulapi Vihar, Saharanpur, Uttar Pradesh-247001 (APPELLANT)	Vs	Income Tax Officer(E), Hapur Chungi, Ghaziabad-201002 (RESPONDENT)
<b>PAN No. AAATS3377A</b>		

**Assessee by: Sh. Pratiyush Jain, CA**

**Revenue by : Sh. Manoj Kumar, Sr. DR**

**Date of Hearing: 11.02.2026**

**Date of Pronouncement: 11.02.2026**

**ORDER**

These assessee's twin appeals for Assessment Years 2014-15 and 2018-19 arise against the Addl./JCIT(A)-1, Ahmedabad's DIN & order No. ITBA/APL/S/250/2025-26/1084344501(1) & 1084344609(1) dated 02.01.2026, in proceedings u/s 143(1) of the Income Tax Act, 1961 (in short "the Act"), respectively.

2. Case called twice. None appears at the assessee's behest. He is accordingly proceeded *ex-parte*.

3. This assessee's appeal raises the following substantive grounds in ITA No. 331/Del/2026:

*"1. The Ld. JCIT(A) has grossly erred on facts and in law in dismissing the appeal in limine without adjudicating the appeal on merits.*

*2. The Ld. JCIT(A) has grossly erred on facts and in law in sustaining the addition made by the CPC on the*

*ground that the appellant has not filed its audit report in form W-B within the due date.*

*3. The impugned intimation by CPC is grossly bad in law as it has processed a defective return under section 139(9) while no processing was made for the return filed in compliance to notice under section 139(9) after removal of defects.”*

4. A perusal of the assessee's above extracted pleadings indicates that both the learned lower authorities have refused to its section 11 exemption claim for the sole reason of belated filing of tax audit report Form 10B, on or before the due date of filing of section 139(1) return. The Revenue's case accordingly is that the above compliance of timely filing of Form 10B tax audit report is mandatory. Case law CIT vs. Xavier Kelavani Mandal (P.) Ltd., (2014) 41 taxmann.com 184 (Guj.) has already settled the issue in assessee's favour that the foregoing compliance of filing/upholding form 10B tax audit report is directory than a mandatory provision. That being the case, I find merit in the assessee's instant sole substantive grievance and direct the learned Assessing Officer to frame its consequential computation as per law after verifying all the relevant facts.

5. Same order to follow in the assessee's latter appeal ITA No. 332/Del/2026.

6. These assessee's twin appeals ITA No. 331 & 332/Del/2026 are allowed. A copy of this common order be placed in the respective case files.

Order Pronounced in the Open Court on 11/02/2026.

Sd/-  
**(Satbeer Singh Godara)**  
**Judicial Member**

**Dated: 25/02/2026**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

**ASSISTANT REGISTRAR**