

IN THE INCOME TAX APPELLATE TRIBUNAL
“CUTTACK BENCH, CUTTACK
(VIRTUAL HEARING AT KOLKATA)

SHRI GEORGE MATHAN, JUDICIAL MEMBER
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER

ITA No. 676/CTK/2025
Assessment Year : 2026-27

Switchtech Incubator Foundation, Silicon Hills, Khorda, Bhubaneshwar - 751024 [PAN: ABFCS3924C]	Vs.	Deputy Commissioner of Income Tax, Exemption Circle, Bhuwaneshwar - 751007
APPELLANT		RESPONDENT

Assessee by	:	Sh. Nanak Fogla, AR
Revenue by	:	Sh. Ashim Kumar Chakraborty, CIT-DR

Date of hearing	:	02.02.2026
Date of Pronouncement	:	09.02.2026

ORDER

PER LAXMI PRASAD SAHU, ACCOUNTANT MEMBER

This is an appeal filed by the assessee against the order passed u/s 250 of the Income Tax Act, 1961 (hereafter “the Act”) by the Ld. Commissioner of Income Tax (Exemption), Hyd [hereafter “the Ld. CIT(E)"] dated 20.11.2025, DIN & Notice No. ITBA/EXM/F/EXM45/2025-26/1082828059(1) for not granting registration u/s 12AB of the Act.

2. Briefly stated the facts of the case are that the assessee has filed an application in Form No. 10AB under Rule 11AA of the IT Rules, 1962 seeking approval u/s 12A(1)(ac)(ii) of the Act. In compliance to the

provision of section 12AB of the Act, detailed questionnaire were sent vide notice dated 07.08.2025 to the applicants with a request to furnish information documents as mentioned therein. The assessee furnished partially information to the compliance of the notice and the assessee was asked to file financial statement for last three years. However, the assessee did not file the financial statements for the said period and for 31.03.2025, even after the lapse of extended due date for filing audit report u/s 10B/10BB and further opportunities was granted to the assessee vide SCN dated 11.11.2025. However, the assessee did not file desired financial statements/documents, therefore, the genuineness of the activities and application of income of the trust could not be verified. Accordingly, he rejected the application filed by the assessee.

3. Aggrieved from the above order, the assessee filed appeal before ITAT.

The Ld. counsel submitted that merely for non-submission of financial statement should not be taken base for rejecting of the Form 10AB filed by the assessee for registration of the trust u/s 12AB. He requested and undertook that if one more chance be given to the assessee to produce documents as desired by the Ld. CIT(E). the assessee will comply for the documents.

4. On the other hand, the Ld. DR relied on the order of lower authorities.

5. Considering the rival submissions and perusing the entire material available on record and orders of authorities below. We noted that Form 10AB has been rejected by the Ld. CIT(E) only for not furnishing the financial statements/documents for the period ending 31.03.2025 and not proving the application of income towards the object of the assessee. However, during the course of hearing before us, the Ld. Counsel

undertook that he will furnish the required documents to prove the genuineness and charitable activities carried out by the assessee. Considering the facts of the case and in the interests of justice, we are remitting this issue back to the file of Ld. CIT(A) for fresh consideration after giving reasonable opportunity of being heard to the assessee and decide the issue as per law. The assessee is directed to substantiate its case with cogent documents in support of its claim and not seek unnecessary adjournments for early disposal of the case. In case of failure, no second leniency shall be granted to the assessee.

6. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order pronounced on 09.02.2026

Sd/-
(George Mathan)
Judicial Member

Sd/-
(Laxmi Prasad Sahu)
Accountant Member

Dated: 09.02.2026

AK, Sr. P.S.

Copy of the order forwarded to:

1. Appellant
2. Respondent
3. Pr. CIT
4. CIT(A)
5. CIT(DR)

//True copy//

By order

Assistant Registrar, Kolkata Benches