



सत्यमेव जयते

**IN THE INCOME TAX APPELLATE TRIBUNAL, PANAJI BENCH, GOA**  
**BEFORE HON'BLE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**  
**AND**  
**SHRI G. D. PADMAHSHALI, ACCOUNTANT MEMBER**

Sr	Appeal No	PAN	Appellant	Respondent	DIN & Order No Appealed Against
1	ITA NO 237/PAN/2025	AADTC0048H	Confraria De N Sra Do Rosario Da Capela De Neura	The Commissioner of Income Tax, Exemption, Bangaluru	ITBA/EXM/F/EX M45/2025- 26/1077653258(1) dt. 24/06/2025
2	ITA NO 238/PAN/2025	AADTC0225A	Cofre Da capela De S Sebastiao Neura	The Commissioner of Income Tax, Exemption, Bangaluru	ITBA/EXM/F/EX M45/2025- 26/1077184423(1) dt. 18/06/2025
3	ITA NO 248/PAN/2025	AADTC0192Q	Confraria Do SSMO Sacramento E N Sra De Amparo Da Igreja De Mandur	The Commissioner of Income Tax, Exemption, Bangaluru	ITBA/EXM/F/EX M45/2025- 26/1077647224(1) dt. 24/06/2025
4	ITA NO 249/PAN/2025	AADTC0176G	Confreria De N SRA Do Bom Successo Da Capela De Dongorim Mandur	The Commissioner of Income Tax, Exemption, Bangaluru	ITBA/EXM/F/EX M45/2025- 26/1077647554(1) dt. 24/06/2025
5	ITA NO 347/PAN/2025	AABTC2267Q	Confreria Do SSMO Sacramento E Santos Reis Magos Da Igreja De Reismangos, Goa	The Commissioner of Income Tax, Exemption, Bangaluru	ITBA/EXM/F/EX M45/2025- 26/1080241260(1) dt. 01/09/2025

### **Appearances**

Assessee by : Mr Prashanth Jain ['Ld. AR']

Revenue by : Mr M Satish ['Ld. DR']

Date of conclusive Hearing : 05/03/2026

Date of Pronouncement : 06/03/2026



## ORDER

### PER BENCH (4:1);

By the present bunch of five appeals the captioned different assessee impugns respective order of rejection passed u/s 12AB(3) of the Income Tax Act [in short 'the Act'] by the Commissioner of Income Tax, Exemption, Bangaluru [in short 'CIT(E)'] thus thereby denied to grant registration and cancelled the provisional registration granted earlier.

2. Since facts and issues involved in these appeals are identical & common, on rival party's common request and for the sake of brevity these appeals are heard together for being disposed off by a common and consolidated order. In adjudicating these appeals together, the ITA No 237/PAN/2025 is taken as lead case, consequently our adjudication laid in subsequent paragraphs shall *mutatis-mutandis* apply to remaining four appeals and be read as such.



3. Without touching merits of these cases, we have heard rival party's common submissions on limited issue of rejection of 12AB registration applications for default in complying with requirements; and subject to rule 18 of ITAT Rules, 1963 perused material placed on record and thoughtfully considered the rival reliance.

### **ITA No. 237/PAN/2025**

4. We note that, the appellant vide Form No. 10AB dt. 12/11/2024 filed an application to the respondent under sub-clause (iii) of section 12A(1)(ac) of the Act seeking thereby registration u/s 12AB of the Act. On the appellant's effective failure to annexe required documents as contemplated u/r 17A of IT-Rules, the Ld. CIT(E) by notice dt. 23/05/2025 accorded an opportunity to make good the deficiency. In the event of failure vide show cause notice dt. 06/06/2025 one more opportunity was granted to adduce necessary documents, to prove genuineness of activities and further showcase the compliance of such requirement of



any other law for the time being in force. It was also informed by the registering authority that in the event of failure on the part of assessee to comply with the notice the application for registration would be rejected. In response thereto the authorised representative **Mr Parmeshwar** (the accountant) appeared and explained the queries with necessary supportive documents. In the event of failure on the part of assessee to provide provisional financial statements, receipt of donation, proof of payment made towards the expense and further detailed activity report (para 4), the Ld. CIT(E) was constrained to reject to grant registration and cancel the existing registration granted to appellant on 10/03/2022 u/s 12AB r.w.s. 12A(1)(ac)(vi) of the Act as he could not draw any satisfactory conclusion about genuineness of activities of the appellant and satisfaction over compliance of requirements of any other law for the time being in force as are material for the purpose of achieving objective of the appellant.



**ITA No. 238/PAN/2025, 248/PAN/2025,  
249/PAN/2025, & 347/PAN/2025;**

5. Similarly, in these cases also effective failure of these appellants to adduce requisite documents & the absence of satisfactory explanation persuaded the Ld. CIT(A) to reject the respective applications and cancel the earlier registrations as the documents adduced and explanation tendered were insufficient to draw any satisfactory conclusion about genuineness of activities and satisfaction over compliance of requirements of any other law for the time being in force as are material for the purpose of achieving objective of these appellant assesseees.

6. Thus, in effect the separate applications filed by the captioned appellants towards seeking registration u/s 12AB were rejected for like reasons. The appellants by these appeals seeks to remand the issue to the file of Ld. CIT(A) with an undertaking to appear and comply with the provisions of section 17K r.w.s. 12AB to as to enable



the Ld. CIT(A) decide the issue of registration on merits of the case on the basis of materials and in terms of applicable provisions of law.

7. Before we conclude to adjudicate the request for remand it shall be immensely be important to state that, the statue empowers the registering authority to call any such documents or information so as to satisfy himself with twin prescriptions of section 12AB(1)(b)(i) of the Act viz; (1) genuineness of activities (2) Compliance with all applicable laws etc., and in order to draw conclusion over satisfaction the registering authority is duty bond to carry out wholesome & autonomous exercise according to nature/character of charitable purpose *vis-a-vis* the applicant engaged into.

8. In arriving to conclusion over satisfaction about the genuineness of activities and compliance of applicable law, the registration proceedings is expected to vouch predominantly; (a) whether applicant is a public



charitable trust established in accordance with applicable Indian Law & in operation as such [Constitution/Establishment] (b) whether all the entries of object clause are in consonance with the '*charitable purpose*' as defined by section 2(15) of the Act [Objects] (c) whether there exist any implied or express provision in the constitutional & other administrative documents/policies etc., entitling any right or power to the trust/trustee carry to engage (by itself or through agent/appointees) into any activities outside the ambit of registered objects [Rights/Power] (d) whether all the activities and operation are strictly carried out in line with the registered objects of 'charitable in nature' [Activity] and finally (e) whether it is compliant of all the applicable law in all respect and around the clock [Compliance]. Any proceedings culminated without vouching these former key factual (Corac) in our considered view would *prima-facie* be deficient as it may lead to absurd conclusion.



9. In the instant case we find that, predominantly for the want of evidential documents and failure on the part of appellants to explain the fulfilment of condition for grant of registration the Ld. CIT(E) had to culminate the impugned registration proceedings without former wholesome & autonomous exercise. The rejections are primarily attributable to non-compliance on the part of these appellants. The reasons behind such non-compliance as stated that, in the course of proceedings before Ld. CIT(A) only two opportunities were provided, pursuant to show cause notice the appellant had adduced certain documents & explained them. But without further communication or without confronting the negative observation the Ld. CIT(A) culminated the proceedings by rejecting these applications. There is nothing on record to suggest otherwise. On the other hand, the Revenue could hardly assail the common submission and prayers of these appellants nor it pull to piece the factual matrix with any deprecative material.



10. It is a trite law as laid down by Hon'ble Supreme Court in case '*Chandra Kishore Jha Vs Mahavir Prasad*' reported in 8 SCC 266 (SC), that 'if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner'. It shall be worthy to also underline that the opportunity of being heard should be real, reasonable and effective and same should not be empty formalities, it should not be a paper opportunity. In view of High court of Patna's decision in '*St. Paul's Anglo Indian Education Society*' [2003, 262 ITR 377 (Pat)]' in the event where assessee is deprived of reasonable opportunity and time to produce all relevant documents to substantiate its claim, any consequential order passed by the Revenue against the assessee violates the basic principle of natural justice, hence such action is unsustainable in law.



11. In view of the former ratio, the Ld. CIT(E)'s failure to confront negative satisfaction or his dissatisfaction to these appellants before rejecting applications were indeed against the provisions of statute as the action of rejection suffered from sufficiency of reasonable opportunity to negate the adverse observation or dissatisfaction over compliance etc. For the reasons these impugned orders cannot be sustained, hence set-aside for their remand to the Ld. CIT(E) for *de-nova* adjudication in accordance with law with a direction to accord not less than three effective opportunities in each case.

**12. In result, these appeals are allowed for statistical purposes.**

In terms of rule 34 of ITAT Rules, 1963 the order pronounced in the open court on date mentioned herein before.

**-S/d-**

**PAVAN KUMAR GADALE**  
**JUDICIAL MEMBER**

**-S/d-**

**G. D. PADMAHSHALI**  
**ACCOUNTANT MEMBER**

Panaji/Dt: 06th March, 2026.

**Copy of the Order forwarded to:**

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|-------------------|--------------------------------|------------------------------|
| 1. The Appellant. | 2. The Respondent.             | 3. The CIT(A)/NFAC Concerned |
| 4. PCIT Concerned | 5. DR, ITAT, Panaji Bench, Goa | 6. Guard File                |

By Order,  
Sr. Private Secretary / AR ITAT, Panaji.