

IN THE INCOME TAX APPELLATE TRIBUNAL  
AHMEDABAD "C" BENCH

**Before: DR. BRR Kumar, Vice President  
And Shri T. R. Senthil Kumar, Judicial Member**

**ITA No: 2520 & 2521/Ahd/2025**

Chimanlal Modi Charitable Trust 40, Shrinathji Residency, Patan Road, Mehsana Gujarat-384170  <b>PAN: AADTC0026F (Appellant)</b>	Vs	CIT (Exemption), Ahmedabad  <b>(Respondent)</b>
--	----	--

**Assessee Represented: None**  
**Revenue Represented: Shri Rignesh Das, CIT-DR**

Date of hearing : 05-03-2026  
Date of pronouncement : 10-03-2026

**आदेश/ORDER**

**PER: T.R. SENTHIL KUMAR, JUDICIAL MEMBER**

These two appeal are filed by the Assessee as against separate orders both dated 10.09.2025 passed by the Commissioner of Income Tax (Exemption), Ahmedabad denying registration under section 12AB and under section 80G of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') on the ground that the application in Form 10AB was not filed within the time limit prescribed under the Act.

2. The registry has noted that there is a delay of 17 days in filing the above appeals. Considering the submission of the assessee, the delay of 17 days in filing both the appeals are hereby condoned.

3. The brief facts of the case is that the assessee is a Trust commenced charitable activities as early as 19-07-1979 and Provisional registration in Form 10AC on 12-05-2022 for the Asst. Years 2023-24 & 2025-26. Assessee Trust filed application for final registration in Form 10AB u/s. 12A(1)(ac)(iii) of the Act on 27-03-2025. Ld CIT[E] held that the Assessee Trust was required to file registration application in Form 10AB on or before six months from the date of commencement of the activities, which was further extended by CBDT Circular No. 7 of 2024 up to 30-06-2024 but the assessee trust had not filed any reason for delay in filing such application. Therefore Ld. CIT(E) denied the registration by observing that the application is filed belatedly.

4. Aggrieved against the same the Assessee Trust is in appeal in ITA No. 2520/Ahd/2025 before us raising the following Grounds of Appeal:

1. *On the facts and in circumstances of the case as well as law on the subject, the learned Commissioner of Income Tax (Exemption) has erred in rejecting application for registration u/s 12A(1)(ac)(iii) of the Act by not condoning delay in filing application in Form 10AB.*
2. *On the facts and in circumstances of the case as well as law on the subject, the learned Commissioner of Income Tax (Exemption) has not provided reasonable opportunity of being heard as provided under Second Proviso to Section 12AB(1)(b)(ii)(B) of the Act.*
3. *On the facts and in circumstances of the case as well as law on the subject, the learned Commissioner of Income Tax (Exemption) has hurriedly rejected the claim of assessee without giving further opportunity by pointing out specific deficiency.*
4. *Appellant craves leave to add, alter or delete any ground(s) either before or in the course of hearing of the appeal.*

5. None appeared on behalf of the Assessee. Ld. CIT-DR has no objection in setting-aside the impugned orders to the file of Ld. CIT(E).

6. We have perused the materials available on record. We find that the assessee trust is an existing trust and yet to commence its education activities.

6.1. Section 12A(1)(ac) was introduced by the Finance Act, 2020, and became effective from 1<sup>st</sup> April 2021. It provides for mandatory re-registration or fresh registration for trusts and institutions under certain conditions. This provision replaced the earlier system of permanent registration with a renewable registration regime for every five years. It mandates a Trust to apply in prescribed circumstances for:

- New registration (first-time applicant),
- Provisional registration (for new entities),
- Re-registration (due to modification or expiry),
- Fresh registration (due to missed deadlines, etc.).

6.2. For better understanding the clauses (i) to (vi) of section 12A(1)(ac) of the Act, which are applicable to various categories of Trust are tabulated as follows:

Clause	When to Apply	Time Limit for Filing Application	Form	Type of Registration
(i)	Trust or institution <b>already registered under section 12A/12AA</b> and wants to migrate to new regime	<b>On or before 30.06.2021</b> (later extended via circulars)	10A	<b>Fresh registration</b> valid for 5 years
(ii)	Trust <b>already registered u/s 12AB</b>	At least <b>6 months before expiry</b>	10AB	Renewal for 5 years

Clause	When to Apply	Time Limit for Filing Application	Form	Type of Registration
	and its <b>registration is due for renewal</b>	of current registration		
(iii)	Trust/institution that has <b>provisional registration</b> and is applying for <b>regular registration</b>	At least <b>6 months before expiry of provisional regn or within 6 months of commencement of activity</b> , whichever is earlier	10AB	Final registration for 5 years
(iv)	Trust <b>has modified its objects</b> (not in conformity with existing registration conditions)	<b>Within 30 days</b> from adoption or modification of the objects	10AB	Fresh registration for 5 years
(v)	Trust <b>not previously registered</b> and applies <b>before commencement</b> of charitable activities	<b>At least 1 month prior</b> to commencement of the previous year relevant to the assessment year	10A	Provisional registration for 3 years
(vi)	Trust <b>not previously registered</b> and applies <b>after commencement</b> of activities	<b>Within the financial year</b> in which activities commenced	10A	Provisional registration for 3 years
(via)	Trust/institution whose registration <b>became inoperative under Section 11(7)</b> (due to 10(23C) approval) and now applies again under Section 12A	<b>Before expiry</b> of the approved period under Section 10(23C) or immediately thereafter	10A	Provisional/Fresh registration

6.3. As per clause (iii) of section 12A(1)(ac) of the Act, the assessee-trust should make application for regular registration within six months before expiry of the provisional registration or six months of commencement of the activity whichever is earlier. However, this time limit has been extended till 30-06-2024 vide CBDT Circular No.7/2024 dated 25-04-2024. Thus, the assessee-trust filed application in Form No.10AB on 27-03-2025 for final registration under section 12A(1)(ac)(iii) of the Act, but after six months of granting Provisional registration in Form 10AC, as the assessee trust not commenced its activities.

7. We also find that the assessee was given two opportunities of hearing on 15-04-2025 and 02-07-2025 wherein partial submission made by the assessee trust before Ld. CIT(E). Therefore

in the interest of justice, we deem it fit to set-aside the matter back to the file of CIT(E) to give one more opportunity of hearing to the assessee trust to explain its case for registration u/s. 12AB of the Act.

8. In the result, **the appeal filed by the assessee in ITA No. 2520/Ahd/2025 is treated as allowed for statistical purpose.**

**ITA No. 2521/Ahd/2025**

9. The Grounds of Appeal raised by the assessee are as follows:

*1. On the facts and in circumstances of the case as well as law on the subject, the learned Commissioner of Income Tax (Exemption) has erred in rejecting application for approval u/s 80G(5) of the Act.*

*2. On the facts and in circumstances of the case as well as law on the subject, the learned Commissioner of Income Tax (Exemption) has not provided reasonable opportunity of being heard as provided under Second Provisionally to Section 80G (ii)(b)(B) of the Act.*

*3. Appellant craves leave to add, alter or delete any ground(s) either before or in the course of hearing of the appeal.*

10. Ld. CIT(E) denied registration u/s. 80G(5) of the Act since final registration u/s. 12AB was also denied to the assessee Trust. Since the assessee's appeal in ITA No. 2520/Ahd/2025 is already set-aside to the file of Ld. CIT(E), this appeal also set-aside to the file of Ld. CIT(E) with the direction to give one more opportunity of hearing to the assessee to explain its case for registration u/s. 80G of the Act.

11. In the result, **the appeal filed by the assessee in ITA No. 2521/Ahd/2025 is treated as allowed for statistical purpose.**

Order pronounced in the open court on	10-03-2026
---------------------------------------	------------

**Sd/-**  
**(DR. BRR KUMAR)**  
**VICE PRESIDENT**

**Sd/-**  
**(T.R. SENTHIL KUMAR)**  
**JUDICIAL MEMBER**

**Ahmedabad :**

**Dated 10/03/2026** ***True Copy***

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
  
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण,  
अहमदाबाद