

**IN THE INCOME TAX APPELLATE TRIBUNAL  
"NAGPUR" BENCH, NAGPUR  
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER &  
SHRI KHETTRA MOHAN ROY, ACCOUNTANT MEMBER  
ITA No. 441/NAG/2025 (A.Y.: 2025-26)  
ITA No. 442/NAG/2025(A.Y.: 2025-26)  
(Physical hearing)**

Universal Multipurpose Society, 61-A, Gandhi Layout, Zafar Nagar, Nagpur 440013.	Vs	CIT(Exemption), Nagpur
PAN : AAATU 5183 G		
Appellant / Assessee		Respondent / Revenue

Assessee by	Shri Kapil Bahri, CA
Revenue by	Shri Pankaj Kumar, CIT-DR
Date of hearing	27.02.2026
Date of pronouncement	27.02.2026

**Order under section 254(1) of Income Tax Act**

**PER PAWAN SINGH, JUDICIAL MEMBER:**

1. These two appeals by the assessee are directed against the separate orders of Id. Commissioner of Income Tax (Exemption) [for short "CIT(E)"]. In ITA No. 442/Nag/2025, the assessee has challenged the rejection of application for registration of Trust under section 12AA/12AB of the Income Tax Act, 1961 (the Act). In ITA No. 441/Nag/2025 the assessee has challenged rejection of application for approval of fund under section 80G(5) of the Act. Both the appeals are interconnected, therefore with the consent of both the parties; both the appeals were heard together.
2. Rival submissions of both the parties have been heard and record perused. The Id. Authorised Representative (AR) of the assessee submits that the

assessee is a charitable Trust /Institution, filed application for registration of Trust under section 12AA/12AB on 27.06.2024 (03.12.202). The first notice of hearing was responded, however the assessee could not respond to second the notice dated 22.11.2024 wherein certain details about the object and activities and other requirement was sought by the CIT(E). The assessee could not furnish such reply; resultantly the application of assessee was rejected. Once application under section 12AA/12AB was rejected another application for registration of fund under section 80G(5) was also rejected. The Id. A.R. submits that assessee is interested in pursuing the matter on merit and has good case on merits, if one more opportunity is allowed to the assessee. He undertakes on behalf of the assessee to be more vigilant towards making timely compliance. The Id. AR of the assessee submits that both the appeals may be restored to the file of Id. CIT(E) for passing the order afresh.

3. The Id. AR of the assessee fairly submits that initially the assessee challenged the action of Id. CIT(E) in rejecting their application under section 12AB and 80G(5), which was under bonafide mistake signed by Consultant/ Chartered Accountant only. Both the appeals of the assessee were dismissed vide order dated 20.06.2025 due to technical reasons; however, the assessee was allowed the liberty to file fresh application under the signature of trustee. Now, both the appeals are filed by competent person.
4. On the other hand, Id. CIT-DR for revenue submits that the assessee has not responded in response to the notice issued by CIT(E). Thus, from the conduct of assessee it is clear that they are not interested in pursuing the application

before Id. CIT(E), therefore, the assessee is not eligible for any further relief. Both the appeals may be dismissed.

5. We have considered the rival submissions of both the parties and have gone through the orders of lower authorities carefully. We find merit in the submission of Id. A.R. of the assessee that in response to the first show-cause notice, the assessee filed certain details, however no compliance was made in response to the show-cause notice dated 22.11.2024. Resultantly the application of assessee for registration under section 12AA/12AB was rejected. Considering the facts and circumstances of the case in our view the assessee deserves one more opportunity to explain its object and activities for seeking registration under section 12AB, therefore matter is restored to the file of CIT(E) to re-consider the application afresh. Needless to direct that before passing the order, the Id. CIT(E) shall allow fair and reasonable opportunity to the assessee. The assessee is also directed to be more vigilant towards future in making timely compliance in future. In the result, the grounds of appeal raised by the assessee are allowed for statistical purposes.
6. In the result, ITA No. 442/Nag/2025 is allowed for statistical purposes.

**ITA No. 441/Nag/2025 (under section 80G(5))**

7. We find that this appeal relates to registration of Trust under section 80G(5) for approval. Considering the fact that we have already restored the application of assessee for registration under section 12AB, therefore this application is also restored to the file of Id. CIT(E) and has to be considered after passing order in application under section 12AA/12AB of the Act.

8. In result, both the appeals of assessee are allowed for statistical purposes.

Order was pronounced in the open Court on 27/02/2026 at the time of hearing.

**Sd/-**  
**KHETTRA MOHAN ROY**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**PAWAN SINGH**  
**JUDICIAL MEMBER**

Mumbai , Dated: 27/02/2026

Self by author

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The PCIT / CIT (Judicial);
- (4) The DR, ITAT, Nagpur; and
- (5) Guard file.

By Order

Assistant Registrar/Senior Private Secretary  
ITAT, Nagpur