

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“B”BENCH: BANGALORE**

**BEFORE SHRI PRASHANT MAHARISHI, VICE PRESIDENT  
AND  
SHRI KESHAV DUBEY, JUDICIAL MEMBER**

ITA No.1600 & 1601/Bang/2025
Assessment Year : NA

M/s. Shree Mahadeshwara Educational Trust 3 LTG Tower 3 <sup>rd</sup> Floor, Peenya I stage SO Bengaluru North Bengaluru 560 058 Karnataka  <b>PAN NO : ABATS29995M</b>	<b>Vs.</b>	CIT (Exemptions) Bengaluru
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Appellant by</b>	:	CA Siddesh Gaddi, A.R.
<b>Respondent by</b>	:	Sri Muthu Shankar, CIT-D.R.

<b>Date of Hearing</b>	:	23.03.2026
<b>Date of Pronouncement</b>	:	30.03.2026

**O R D E R**

**PER KESHAV DUBEY, JUDICIAL MEMBER:**

These two appeals at the instance of the assessee are directed against the separate orders of Id.CIT (Exemptions), Bengaluru both dated 20.6.2025 vide DIN & Notice No: ITBA/EXM/F/EXM45/2025-26/1077249869(1) rejecting the application for registration u/s. 12AB of the Income Tax Act, 1961 (in short “the Act”) and vide DIN & Notice No. ITBA/EXM/F/EXM45/2025-26/1077249963(1) rejecting the approval u/s 80G of the Act.

**2.** In ITA No.1600/Bang/2025, the assessee Trust has raised the following grounds of appeal:-

1. The Commissioner of Income Tax (Exemptions), Bangalore (Learned Commissioner) has erred in law and on facts in passing an order rejecting the application under section 12AB of the Income-tax Act, 1961, in the manner he did.
2. The order is passed in violation of the principles of natural justice and, therefore, bad in law;
3. The Learned Commissioner has erred in law and in fact in not giving sufficient opportunity of being heard in passing the subject order;
4. The Learned Commissioner has erred in law and in fact by not appreciating the nature of the activities of the Appellant as evident from the records;
5. The Ld. Commissioner has erred in law and on facts in stating that the Appellant has not submitted documents when the same are available on the records.
6. The Ld. Commissioner has erred in law and on facts in not according the registration under section 12AB of the Act;
7. The Order of the Learned Commissioner has fallen into error of facts as well as in law, as the basis of rejection is based on an incorrect assumption of facts, rendering the impugned order to be perverse.

On the basis of the above grounds and other grounds which may be urged at the time of hearing with the consent of the Honorable Tribunal, it is prayed that the order passed under section 12AB of the Act, to the extent, it is against the Appellant, be quashed and the relief sought to be granted.

- 3.** In ITA No.1601/Bang/2025, the assessee Trust has raised the following grounds of appeal:-

**GROUND OF APPEAL**

1. The Commissioner of Income Tax (Exemptions), Bangalore (Learned Commissioner) has erred in law and on facts in passing an order rejecting the application under section 80G of the Income-tax Act, 1961, in the manner he did.
2. The order is passed in violation of the principles of natural justice and, therefore, bad in law;
3. The Learned Commissioner has erred in law and in fact in not giving sufficient opportunity of being heard in passing the subject order;
4. The Learned Commissioner has erred in law and in fact by not appreciating the nature of the activities of the Appellant as evident from the records;
5. The Ld. Commissioner has erred in law and on facts in stating that the Appellant has not submitted documents when the same are available on the records.
6. The Ld. Commissioner has erred in law and on facts in not according the recognition under section 80G of the Act;
7. The Order of the Learned Commissioner has fallen into error of facts as well as in law, as the basis of rejection is based on an incorrect assumption of facts, rendering the impugned order to be perverse.

On the basis of the above grounds and other grounds which may be urged at the time of hearing with the consent of the Honourable Tribunal, it is prayed that the order passed under section 80G of the Act, to the extent, it is against the Appellant, be quashed and the relief sought to be granted.

4. The Brief facts of the case are that the assessee is a Charitable Trust created vide Trust Deed dated 14/12/2017 and amended deed of Trust dated 14/02/2023. The assessee Trust filed the applications in Form No. 10AB both dated 21/11/2024 for registration u/s. 12AB of the Act as well as for approval u/s. 80G(5) of the Act separately. The assessee trust were granted opportunities of being heard vide notices dated 15/05/2025, 23/05/2025 along with the show cause notices dated 29/05/2025

and 11/06/2025, however, the assessee did not respond to any of the statutory notices. The Id. CIT(E), Bengaluru rejected the registration u/s. 12AB of the Act as well as approval u/s. 80G(5) of the Act by holding that the assessee had not responded to any of the notices issued and failed to appear and submit all the necessary documents/ details as required for registration as well as failed to prove the genuineness of the activities of the Trust and also fulfillment of all the conditions laid down in clauses (i) to (v) of section 80G of the Act.

**5.** Aggrieved by both the orders of the Id. CIT(E), Bengaluru both dated 20/06/2025 rejecting the registration u/s. 12AB of the Act as well as rejecting the approval u/s. 80G(5) of the Act, the assessee Trust has filed the present appeals against both the orders separately. The assessee trust has also filed a paper book comprising 50 pages containing therein synopsis, copy of trust deed, copy of police complaint and the copies of all hearing notices.

**6.** Before us, the Id. A.R. of the assessee vehemently submitted that the assessee Trust as well as M/s. LTG Infrastructure Ltd had entrusted the administration and maintenance of accounts to one **Mr. Raveendra Reddy** who was handling compliance related matters including communication with the Income Tax Department. Further, the Id. A.R. of the assessee submitted that all the notices pertaining to the proceedings under section 12AB and 80G of the Act were sent on the e-mail Id of the accountant i.e. [raveendra.reddy@ltgindia.com](mailto:raveendra.reddy@ltgindia.com). Unfortunately, during the period when the proceedings were going on, the said accountant was absconded and was not available to discharge his professional duty as he was involved in act of forgery, fraud and cheating on account of which M/s. LTG Infrastructure Ltd had lodged a formal complaint with the Police Department and accordingly prayed that

non-filing of responses to the statutory notices were beyond the control of the assessee trust and cannot be attributed to any deliberate default or negligence on part of the assessee trust and accordingly prayed that in the interest of just, equity and fair play, the entire issue of registration u/s. 12AB as well as approval u/s. 80G(5) of the Act may be remitted to the file of Id.CIT(E).

**7.** The Id.D.R. on the other hand had no objection if the matters are remitted back to the file of Id.CIT(E) for fresh consideration.

**8.** We have heard the rival submission and perused the material available on record. On going through both the orders of the Id.CIT(E) dated 20/06/2025, we observed that the Id.CIT(E) rejected both the applications filed by the assessee for registration u/s. 12AB of the Act as well as for approval u/s. 80G(5) of the Act on the ground that the assessee trust had failed to submit the necessary documents/details to prove the genuineness of the activity of the trust and also the compliance of such requirements of any other law as are material for the purpose of achieving its objects along with fulfillment of all the conditions laid down in clauses (i) to (v) of section 80G. Before us, the Id. A.R. of the assessee vehemently submitted that the assessee Trust as well as M/s. LTG Infrastructure Ltd had entrusted the administration and maintenance of accounts to one Mr. Raveendra Reddy who was handling compliance related matters including communication with the Income Tax Department. Further, the Id. A.R. of the assessee submitted that all the notices pertaining to the proceedings under section 12AB and 80G of the Act were sent on the e-mail Id of the accountant i.e. [raveendra.reddy@ltgindia.com](mailto:raveendra.reddy@ltgindia.com). Unfortunately, during the said period, the accountant was absconding and was not available to discharge his professional duty as he was involved in act of forgery, fraud and cheating on account of which M/s. LTG

Infrastructure Ltd had lodged a formal complaint with the Police Department and accordingly prayed that non-filing of responses to the statutory notices were beyond the control of the assessee trust and cannot be attributed to any deliberate default or negligence on part of the assessee trust. In support of his claim the A.R. of the assessee also drew our attention to the copy of police complaint placed at page nos.34-39 of the paper book as well as copies of all the hearing notices issued to the email id of the said accountant placed at page nos.40-45 of the paper book. In our considered opinion, the reason explained by the assessee trust for non-appearance before the Id. CIT(E) seems to be bonafide and genuine. This being so, in the interest of justice, equity and fair play, we deem it fit and proper to remit both these issues of registration u/s. 12AB of the Act as well as for approval u/s. 80G(5) of the Act to the file of Id.CIT(E) to decide a fresh in accordance with law. Needless to say, a reasonable opportunity of being heard must be granted to the assessee. The assessee is also directed to co-operate with the proceedings and submit the all the necessary documents/ records/ evidences/ certificates/ accounts to substantiate the genuineness of the activity of the trust and other conditions as required under the respective sections. It is ordered accordingly.

9. In the result both these appeals filed by the assessee trust are partly allowed for statistical purposes.

Order pronounced in the open court on 30<sup>th</sup> Mar, 2026

**Sd/-**  
**(Prashant Maharishi)**  
**Vice President**

**Sd/-**  
**(Keshav Dubey)**  
**Judicial Member**

Bangalore,  
Dated 30<sup>th</sup> Mar,2026.  
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

**Asst. Registrar,  
ITAT, Bangalore.**