

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

BEFORE SHRI PRASHANT MAHARISHI, VICE PRESIDENT
AND
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER

ITA No. 2772 & 2773 / Bangalore 2025
Assessment year : NA

Garve Saint Marys Education Society # 674, Garvebhavipalya Hosur main road, Bommanahalli Bangalore 560068 PAN: AAATG8759N	Vs.	The CIT [exemption], Bangalore,
APPELLANT		RESPONDENT

Appellant by	:	Shri Narendra Sharma advocate
Respondent by	:	Shri Shivanad kalakeri CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	25 th February, 2026
Date of Pronouncement	:	30 th March, 2026

ORDER

Per Prashant Maharishi, Vice President

1. ITA number 2772 Bangalore 2025 is filed by the Appellant against the order passed by the CIT exemption Bangalore in form number 10 AD being order for registration or approval or rejection or cancellation of application made by Appellant in form number 10 AB dated 25th February 2025 for seeking registration under section 12 AB of the act, rejected.

2. ITA number 2773 Bangalore 2025 is filed by the Appellant against the order of the Commissioner of Income Tax Exemption Bangalore dated 30th September 2025 where in the application made by Appellant in form number 10AD on 25th February 2025 for approval under section 80 G of the act was rejected.
3. The Appellant's main purpose is education, which qualifies as a charitable purpose under Section 2 [15] of the act. Its primary activity is operating Saint Marys High School.
4. An application in Form 10AB was submitted on February 25, 2025, seeking registration under section 12AB of the Income Tax Act. Subsequently, the Commissioner (Exemption) issued a notice to the applicant, requesting specific documents and information to verify the authenticity of the trust's activities and its compliance with applicable legal requirements.
5. The show cause notice was issued on 7th September 2025. The learned CIT exemption emphasized that operating a school entails substantial responsibilities related to the safety and security of students, teachers, and staff. Adherence to local municipal laws, building codes, and safety regulations is critical for fulfilling the objective of providing education in a secure environment. These requirements are not simply procedural, but fundamental to the ongoing, authentic, and lawful operation of educational activities. Any failure to comply with these standards may render the institution susceptible to closure by relevant authorities, thereby impacting the trust's activities. Given the nature of

school operations and the significance of compliance with regulations regarding building safety and municipal approvals, the Appellant was instructed to provide specific information.

6. Appellant in response to the notice failed to produce the documents as has been asked by the learned CIT exemption.
7. The learned CIT Exemption observed that the absence of an approved building plan and requisite safety certificates constitutes a significant noncompliance with legal requirements necessary for achieving educational objectives. The purpose of imparting education must be lawful in all aspects and cannot be conducted in violation of fundamental safety regulations, as this may result in closure and undue hardship to the beneficiaries—students who are the future of the country. Based on the records and the Appellant’s own statements, satisfaction regarding compliance with essential statutory requirements was not achieved. Consequently, since the Appellant failed to demonstrate the authenticity of its activities and compliance with relevant laws—particularly municipal building approvals and fire and structural safety certificates required for lawful educational operations—the application was rejected.
8. The Appellant, dissatisfied with the decision, has filed an Appeal before us. The learned Authorized Representative asserted that the Appellant operates a school, and all relevant legal requirements are fulfilled by the trust. It is not the case that the appellant is engaged in educational activities without adherence to applicable laws.

Furthermore, it was argued that non-compliance would have precluded the Appellant from conducting school-related educational activities. Therefore, the learned Commissioner's exemption is erroneous in concluding that the Appellant had not obtained search approval. Additionally, the Appellant was unable to produce this approval as it was requested on 12th September 2025, with a deadline set for 22nd September 2025, by which did not provide adequate opportunity. Thus, the order issued by the learned CIT exemption is unsustainable. The representative further stated that, if granted sufficient opportunity, the Appellant could demonstrate compliance with all applicable laws.

9. The learned CIT DR Shri Sivananda kallakuri vehemently supported the orders of the learned CIT exemption and submitted that as Trust has failed to provide the requisite detail that it has complied with the other laws applicable to it such as building plans safety measures etc. The learned CIT exemption is correct in not granting it registration under section 12 AB of the act. Even otherwise, he submitted that Appellant is running a school where children are visiting that premises and if such premises does not have these kind of approvals and safety requirements, the rejection of the registration was proper.
10. Regarding Appeal number 2773/Bangalore/2025, which follows ITA number 2772/ bang/2025, because a trust without registration under section 12AB cannot be approved for recognition under section 80G of the Act.

11. After careful review of the arguments presented and examination of the orders issued by the learned CIT (Exemption), it is evident that the Assessee's application for registration under section 12AB of the Act was denied due to its inability to provide the building approval plan and safety measures documentation. The Appellant was notified on 12 September 2025 to furnish these details by 22 September 2025. It is established that the Appellant operates a school, and the requirements set forth by the learned CIT (Exemption) are justified. If the trust fails to meet these prerequisites, registration cannot be granted. Furthermore, operating a school without an approved building plan or adequate safety measures would not receive authorization from the education department. The Appellant was afforded only ten days to comply. While the Assessee indicated compliance with all relevant laws on the application form and before the CIT (Exemption), the short timeline prevented timely submission of the required documents, leading to rejection of the registration. It remains undisputed that the Assessee's objective is educational and charitable, as evidenced by the operation of a school.
12. In view of the above facts we restore the whole Appeal back to the file of the learned CIT exemption with the direction to the Appellant to produce the requisite details before the learned CIT exemption about the various provisions of building plan, safety measures etc raised by him in his order for rejection of the application, within 120 days from the date of receipt of this order. The ld. CIT exemption may examine

the same afresh and thereafter decide the fate of the application for registration after giving it an opportunity of hearing.

13. ITA number 2773/Bangalore/2025 is dependent on the outcome of appeal number 2772/Bangalore/2025 which is for the registration under section 12 AB of the act. If the trust is registered under section 12 AB of the act, then only it can be granted recognition under section 80G of the Act subject to the fulfilment of the condition. Accordingly, ITA number 2773/Bangalore/2025 is also restored back to the file of the learned CIT exemption.
14. In the result we restore both these Appeals to the file of the learned CIT exemption as indicated above, allow these Appeals for statistical purposes.

Pronounced in the open court on this 30th day of March, 2026.

Sd/-
(SOUNDARARAJAN K.)
JUDICIAL MEMBER

Sd/-
(PRASHANT MAHARISHI)
VICE PRESIDENT

Bangalore,
Dated, 30.03.2026

/Desai S Murthy /

Copy to:

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

By order

Assistant Registrar
ITAT, Bangalore.