

**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH : BANGALORE**

**BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER
and
SHRI JASON P.BOAZ, ACCOUNTANT MEMBER**

ITA Nos.1271 & 1272/Bang/2014

M/s.Vishwa Ganigara Samudaya Trust,
No.40/1, 14th Cross, Vyalikaval Extn.
Bangalore-560003. ... Appellant

Vs.

Director of Income-tax (Exemption),
Bangalore. ... Respondent

Appellant by: Shri S.Venkatesan, CA.
Respondent by: Shri Jahanab Aktar, CIT (DR).

Date of hearing : 30/03/2015.
Date of pronouncement: 30/03/2015.

O R D E R

Per BENCH:

These appeals are filed by the assessee against denial of registration u/s 12AA as well as u/s 80G of the Income-tax Act, 1961 [hereinafter referred to as 'the Act' for short] respectively by orders of the Director of Income-tax (Exemption) [DIT(E) for short] dated 30/6/2014.

2. Brief facts of the case are that the assessee is a trust which filed an application for registration u/s 12AA and also for registration u/s 80G on 23/12/2013. The DIT(E) issued a letter dated 19/2/2014 calling for some details. Since there was no compliance to such notice, another notice dated 30/4/2014 was issued. Since the assessee did not furnish required details on

such date, the DIT(E) dismissed the application for non-compliance. Consequently, application for registration u/s 80G was rejected on the ground that registration u/s 12AA was not granted. Aggrieved, the assessee is in appeal before us.

2. The learned counsel for the assessee submitted that the assessee is a trust created for charitable purposes and the DIT(E) had not considered the issue on merits. He drew our attention to notification of the Government of Karnataka wherein the caste 'Ganigara' was included as a backward community. Thus, according to him, the trust would fall within the exceptions carved out in Explanation 2 to sub-sec.(6) of sec.13 of the Act. Therefore, he prayed that the assessee's case may be considered on merits.

The learned Departmental Representative, however, submitted that sufficient opportunities were given to the assessee to present its case but since there was no compliance to the notices issued by the DIT(E), he was constrained to reject the applications.

3. Having regard to the rival contentions and the material on record, we find that the DIT(E) had issued two notices within a span of two months to the assessee and the assessee had failed to respond to the same due to which the applications were rejected. However, it is seen that there was no discussion

on merits of the case in the order. In view of the same, we deem it fit and proper to recall the orders of the DIT(E) and remand the issue to the file of the DIT(E) for re-consideration after affording the assessee a reasonable opportunity of hearing. It is also made clear that the assessee should co-operate with the DIT(E) by furnishing all the required documents within the period stipulated by the DIT(E).

4. In the result, both the appeals are treated as allowed for statistical purposes.

Pronounced in the open court on 30th March, 2015.

sd/-
(Jason P Boaz)
ACCOUNTANT MEMBER
eksrinivasulu

sd/-
(Smt. P.Madhavi Devi)
JUDICIAL MEMBER

Copy to:

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

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore