

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ‘ DB-B ‘ Bench, Hyderabad

Before Shri Vijay Pal Rao, Vice-President
A N D
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.356/Hyd/2025**
(निर्धारण वर्ष / Assessment Year: 2025-26)

ALUMNI ASSOCIATION Hyderabad PAN:AAATA4998B (Appellant)	Vs.	Commissioner of Income Tax (Exemption) Hyderabad (Respondent)
निर्धारिती द्वारा/Assessee by:	C.A. Mrudulatha	
राजस्व द्वारा/Revenue by::	Shri Narendra Kumar Naik, DR	
सुनवाई की तारीख/Date of hearing:	03/06/2025	
घोषणा की तारीख/Pronouncement:	03/06/2025	

आदेश/ORDER

Per Vijay Pal Rao, Vice President

This appeal filed by the assessee is directed against the order dated 17/12/2024 of the learned Commissioner of Income Tax (Exemption) whereby the application of the assessee seeking approval u/s 80G of the I.T. Act, 1961 was rejected. The assessee has raised the following grounds of appeal:

1. The order of the Ld. CIT(E) is totally contrary to the facts and evidence on record and therefore unsustainable both on facts and in law.

2. The Ld. CIT(E) failed to consider that the provisional registration under Section 80G was already granted upto AY 2025-26.
3. The Ld. CIT(E) erred in rejection the application made for registration under Section 80G despite the Appellant producing all the necessary information called for.
4. The Ld. CIT(E) erred in rejecting the application made under clause iv of subsection (5) of Section 80G of the I.T. Act, 1961 merely on the ground that the application for provisional registration in Form 10A was submitted under an incorrect clause.
5. The Ld. CIT(E) failed to note that there were no activities carried out by the Appellant and that the activities were resumed only in 2023, therefore the Appellant submitted Form 10A as a new applicant on 03 March 2023 against which provisional registration was received until AY 2025-26.
6. The Ld. CIT(E) erred in not providing an opportunity to the Appellant before rejecting the application on the basis of merely mentioning an incorrect clause in Form 10A despite perusing through all the financial statements submitted by the Appellant.
7. The Ld. CIT(E) erred in rejecting the application for registration under Section 80G of the I.T. Act, 1961, merely on the ground that a procedural deficiency existed in the application form filed for provisional registration and the Appellant had neither the intention nor the scope to derive any benefit out of obtaining provisional registration under wrong clause.
8. The Ld. CIT(E) erred in rejecting the application for registration under Section 80G of the I.T. Act 1961, completely ignoring the fact that there was no doubt raised regarding genuineness of charitable activities undertaken by the Trust, despite the fact that registration was already granted under Section 12A of the Act.
9. Any other ground(s) that may be urged at the time of hearing.

3. The learned AR of the assessee has submitted that the learned Commissioner of Income Tax (Exemption) has rejected the application on technical ground for mentioning the section 80G(5)(i) in the application, instead of 80G(5)(iv). She has further submitted that the learned Commissioner of Income Tax (Exemption) has not pointed out this defect/mistake in the application before passing the impugned order and therefore, the assessee was not given an opportunity to rectify the mistake if any in the application filed by the assessee. She has referred to the record filed by the assessee in response to the notice issued by the learned Commissioner of Income Tax (Exemption) and submitted that the assessee comply with the notices issued by the CIT(E) by filing the relevant record. However, the application was rejected on technical ground not deciding the same on merit. Thus, the learned AR has pleaded that an appropriate direction may be passed for deciding the application of the assessee for approval u/s 80G of the I.T. Act, 1961 on merits.

4. On the other hand, the learned DR has raised no objection if the matter is remanded to the record of the learned Commissioner of Income Tax (Exemption) for re-consideration and deciding the application on merits.

5. Having considered the rival submission as well as perusal of the impugned order, we find that earlier the assessee was having registration u/s 80G of the I.T. Act, 1961 prior to 1/4/2021 and after the amendment, the assessee again filed the application for approval u/s 80G which was rejected by the CIT (E) while passing the impugned order. The finding of the CIT (E) in para 3 of the impugned order is as under:

3. On perusal of the submissions made by the assessee it is observed that the assessee possesses existing registration u/s 80G before 01.04.2021. In this case, the assessee the assessee should have applied form 10A by selecting the section code 80G(5)(i) instead of 80G(5)(iv). In view of the above, the present application in form 80G for registration u/s 80G is infructuous and is herewith rejected.

6. Thus, the application was rejected only on the ground that there is a mistake in section mentioned in the application as 80G(5)(i) instead of 80G(5)(iv). It is also apparent from the record that the assessee was also not given defect memo or show-cause notice for rectifying the mistake in the application. Therefore, rejection of the application on this technical ground without giving an opportunity to the assessee to rectify this typographical mistake in the application is not justified. Accordingly, the impugned order of the learned CIT (E) is set aside and the matter is remanded to the record of the CIT (E) for reconsideration of the application on merits. The assessee is also directed to rectify the mistake in mentioning the wrong section in the application.

7. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on the conclusion of hearing i.e. on 3rd June, 2025.

Sd/-

Sd/-

(MANJUNATHA, G.) ACCOUNTANT MEMBER	(VIJAY PAL RAO) VICE-PRESIDENT
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Hyderabad, dated 3rd June, 2025

Vinodan/sps

Copy to:

S.No	Addresses
1	ALUMNI Association, University College of Engineering, Osmania University, Hyderabad – 500007
2	CIT (Exemption), Aayakar Bhavan, Basheerbagh, Hyderabad 500004
3	Pr. CIT – Exemption, Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order