IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

INCOME TAX APPEAL NO. 5 OF 2013

THE COMMISSIONER OF INCOME TAX-I, PUNE
VERSUS
CHANDRABHAN ATHARE PATIL

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Advocate for Appellant : Mr. D.V. Soman
Advocate for Respondent : Mr. Shyam Jawale h/f Mr. A.A. Yadkikar

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: January 05, 2015

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PER COURT :-

1. This appeal challenges the findings recorded against the appellant that the Commissioner could not have refused renewal of recognition under section 80G of respondents donations. The Commissioner opined that, the Respondent is not entitled to renewal mainly because their deposits are invested in a Co-operative Credit Society and not a Bank. Section 11 Ss.(5) sub-clause 3 specifically reads as under :-

(iii). Deposit in any account with a scheduled bank or a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank).

2. Having gone through this, it becomes clear that, a Co-operative Credit Society is Co-operative Society dealing in Banking business. So this objection could not have been raised by the Commissioner. Besides, the appellate authority in paragraph No.8 of the judgment rightly placed reliance on judgment of Gujrat High Court and held that the scope of inquiry for the purpose of granting recognition under section 80G did not envisage the Commissioner to act as assessing authority. Having gone through the judgments of the Lower Authorities, We do not find any substantial question of law arising in appeal. Appeal stands dismissed.

(V.K. JADHAV, J.) **(A.V. NIRGUDE, J.)**

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