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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 737/2016, CM APPL.40108-40109/2016

COMMISSIONER OF INCOME TAX (EXEMPTION) ..... Appellant
Through: Mr. Zoheb Hossain, Sr. Standing Counsel.

versus

SOCIETY FOR ESSENTIAL HEALTH ACTION AND TRAINING
..... Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

O R D E R
% 26.10.2016

ITA 737/2016, CM APPL.40108-40109/2016 (condonation of delay)

There is a delay of 747 days. The Court is of the opinion that no reasonable cause has been shown as to qualify the matter to fall within the definition of "sufficient cause". For the delay of 747 days, the standard ground is confusion brought about by reorganisation of the government panel and the large number of cases pending. In the circumstances, the delay cannot be condoned.

Even on merits, the question of law urged by the revenue in this appeal is "whether the expenses sought to be taxed, i.e., the research activities for the development of immunity to the rota virus is of such nature as to take it out of the purview of the protection under Section 2(15) of the Act. The Assessing Officer had disallowed over Rs.40

lakhs - a decision which was mercifully reversed by the CIT (A). The ITAT endorsed that view. We entirely agree with the decision of the ITAT which is based upon the previous ruling in *Harnam Singh Harbans Kaur v. Director of Income Tax (Exemption), Delhi, 2011 (12) TMI 232 - ITAT Delhi.* Furthermore, the "research" has to be given its widest connotation which would fall within education and knowledge dissemination essential for advancement of human endeavour. In the circumstances, no substantial question of law arises.

The application seeking condonation of delay and the appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 26, 2016
/vikas/