IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.17577 of 2004

Ramsahaimal Sahuwala & Sons,
Charitable Trust,
24, Cathedral Garden Road,
Madras - 600 034.
Rep. By its Managing Trostee
Mr.Vijay Goyal. ... Petitioner

Vs.

The Director of Income Tax (Exemptions),
Annexe Building, II Floor,
121, Mahatma Gandhi Salai,
Chennai - 34. ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorari to call for the records in DIT (E) No.212(116)/72, dated 24.12.2003 of the respondent.

For Petitioner : Mr.M.P.Senthilkumar

For Respondent : Mrs.Hema Muralikrishnan,
Standing Counsel

ORDER

Heard Mr.M.P.Senthilkumar, learned counsel for the petitioner and Mrs.Hema Muralikrishnan, learned standing counsel for the respondent.

2. The petitioner has filed this writ petition praying for issuance of a writ of certiorari to quash the order passed by the respondent dated 24.12.2003 as it has imposed a condition while granting renewal of approval under Section 80G of the Income Tax Act, 1961, stating that donations received on account of hiring of Kalyana Mandapam by different parties cannot be allowed as deduction under Section 80G as it is only Hall rent charges collected in

the name of donations. The period for which renewal of approval was granted was from 01.04.2002 to 31.03.2005.

3. Learned counsel for the petitioner made elaborate submissions on the factual aspect and submitted that the impugned condition imposed in the approval order is wholly unsustainable.

4. On the other hand, learned standing counsel for the Revenue pointed out that for the earlier period during which approvals were granted, similar conditions were imposed and the petitioner did not question such condition.

5. It may not be necessary to adjudicate the legal aspect as focused in the writ petition as the period of validity of the approval itself came to an end on 31.03.2005. Furthermore, when the writ petition was entertained, an order of interim stay was granted on 25.06.2004, which was made absolute on 16.10.2006. Thus, by virtue of an order of interim stay being in operation, the benefits flowing from the approval granted have been availed. In such circumstances, necessity to adjudicate the correctness of endorsement made in the approval order has become academic. Further, the learned counsel for the petitioner submitted that for the subsequent years, no such condition has been imposed by the respondent.

6. In the light of the above, considering the fact that the condition imposed in the impugned approval order having worked itself out and the period for which the approval granted is already over and for the subsequent renewals, no such condition has been imposed, the writ petition is closed with an observation that the respondent cannot proceed further against the petitioner or other assesses based on the impugned conditions in the subject approval order dated 24.12.2003. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rkm

To

The Director of Income Tax (Exemptions),
Annexe Building, II Floor,
121, Mahatma Gandhi Salai,
Chennai - 34.

+1cc to Mrs.Hema Muralikrishnan,, Advocate, S.R.No.47173
+1cc to M/S.Mallika Srinivasan, Advocate, S.R.No.47139

W.P.No.17577 of 2004

CS/19/07/17