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

\+ ITA 232/2018

THE COMMISSIONER OF INCOME TAX CENTRAL-EXEMPTION ..... Appellant

Through Mr. Ruchir Bhatia, Adv.

versus

EKLAVYA FOUNDATION ..... Respondent

Through None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **23.02.2018**

The Income Tax Appellate Tribunal's (ITAT) order upholding the CIT(A)'s decision that the assessee's income was out of charitable activities and was thus entitled to benefit under Section 2 (15) read with Section 11 of the Income Tax Act, 1961 ('the Act'), has been challenged.

The subject matter of the present appeal is publication of education books aimed at inculcating the reading habit. These books are targeted for the States of Jharkhand and Bihar. The Assessing Officer (AO) brought to tax the amounts claimed to be charitable receipts holding that the expenses incurred on the books were considerable and that the published books were not text books and therefore, could not be said to fall within the description of education.

Both the CIT (A) and ITAT disagreed and took into account the aims and objects of the assessee's society. The CIT(A) observed that the assessee's activity was funded by grants, which covered the development cause for the books that it published and distributed, as well as other expenses and what it recovered was printing, binding and distribution charges.

Having regard to these findings, the Court is of the opinion that no substantial question of law arises. The appeal is dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 23, 2018

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