IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.543 of 2011

The Director of Income Tax,
Exemption, Chennai ...Appellant

Vs

All India Sai Samaj (regd.),
Chennai ...Respondent

APPEAL under Section 260-A of the Income Tax Act, 1961 against the order dated 07.6.2011 made in ITA.No.1777/Mds/2010 on the file of the Income Tax Appellate Tribunal Chennai 'D' Bench the order of the against Director of Imcome Tax(Exemptions) Abakar Bhawan Annexe,III Floor 121,Mahathma Gandhi Road,Chennai 600 0034 and made in DIT(E) NO.2(1390) 09-10 dated 29.09.2010.

For Appellant : Mr.J.Narayanaswamy, SSC
For Respondent: Ms.Sree Lakshmi Valli

Judgment was delivered by T.S.Sivagnanam,J

This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for brevity, the Act) is directed against the order dated 07.6.2011 made in ITA.No.1777/Mds/2010 on the file of the Income Tax Appellate Tribunal Chennai 'D' Bench.

2. The appeal was admitted on 28.11.2011 on the following substantial questions of law:

"i. Whether, on the facts and circumstances of the case, the Tribunal was right in not considering the mandatory provision of Rule 17A of the Income Tax Act and the precondition to grant registration under Section 12AA ? And

ii. Whether, on the facts and circumstances of the case, the Tribunal was right in directing to grant registration in violation of Section 12AA of the Act ?"

3. We have heard Mr.J.Narayanaswamy, learned Senior Standing Counsel appearing for the appellant and Ms.Sree Lakshmi Valli, learned counsel appearing for the respondent.

4. We have carefully considered the submissions made on either side and perused the materials on record and the order passed by the Tribunal. The reasons assigned by the Tribunal in paragraph 3 of the impugned order is fully justified after considering the facts and circumstances. Further, it is brought to our notice by the learned counsel for the respondent that the Commissioner of Income Tax (Exemptions), after verification of the entire records and all the materials, passed an order dated 28.4.2017 under Section 12AA of the Act.

5. Considering the reasons assigned by the Tribunal as well as the subsequent development, we find no ground to interfere with the order passed by the Tribunal.

6. Accordingly, the above tax case appeal is dismissed and the substantial questions of law are answered against the Revenue. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To
The Income Tax Appellate Tribunal, Chennai 'D' Bench.

2.The Director of Imcome Tax(Exemptions) Abakar Bhawan
Annexe,III Floor 121,Mahathma Gandhi Road,Chennai 600 0034

+1cc to Mr.J.Narayanaswamy , Advocate SR.No. 72222
+1cc to M/s.Sree lakshmi , Advocate SR.No. 71035

TCA.No.543 of 2011

A.SK(17/09/2019)