IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2906 OF 2025

Vesava Koli Samaj Shikshan Sanstha, Mumbai .. Petitioner

Versus

Commissioner of Income (Exemption),
Mumbai & Ors .. Respondents

Mr. Ajay R. Singh, *Advocates for the Petitioner.*

Mr. Prathmesh P. Bhosle, *Advocates for the Respondents.*

CORAM: B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.
DATE: SEPTEMBER 17, 2025

P. C.

1. Rule. Respondents waive service. By consent of parties, Rule is made returnable forthwith and heard finally.

2. The present Writ Petition challenges the impugned order dated 26th March, 2025 passed by Respondent No. 1 rejecting the Petitioner's application under section 119(2)(b) of the Income-tax Act, 1961 (for short "***I. T. Act***"), for condonation of delay of 181 days in filing Form No. 10B for the Assessment Year 2019-20. The consequential relief sought is to direct Respondent No. 1 to condone the delay and allow the

Petitioner's claim for exemption under sections 11 and 12 of the I. T. Act.

3. The Petitioner is a registered Public charitable trust running an educational institution, namely, Vesawa Vidya Mandir at Versova Andheri (West), Mumbai consisting of Pre-primary, Primary and secondary classes upto 10th Standard. For A.Y. 2019-20, the Petitioner filed its return of income on 30th September, 2020 declaring NIL income. The audit report in Form No. 10B had been obtained on 30th September, 2019, but the same was uploaded on the portal only on 30th March, 2021. The delay occurred as the auditor's accountant, while filing the return of income, inadvertently failed to upload the audit report, though reference thereto was made in the return itself.

4. The CPC, Bengaluru thereafter, on 23rd November 2021, passed an intimation under section 143(1) of the Act determining the total income of the Petitioner as Rs.2,52,88,547/- and raised a demand of Rs. 1,30,48,480/-. The Petitioner then moved an application before Respondent No. 1 on 30th December, 2022 seeking condonation of delay of 181 days in filing Form No. 10B, supported by explanations, affidavit of the Trustee, and other documents.

5. Respondent No. 1, by the impugned order dated 26th March, 2025, rejected the condonation application on the ground that no "reasonable cause" was shown for the delay, holding that the audit report was not furnished within the extended due date of 30th September, 2020.

6. We have heard the learned counsel for the parties. From the record before us, it is clear that the delay was neither deliberate nor mala fide but was on account of inadvertence of the accountant of the auditor. The Petitioner, a charitable educational trust, had otherwise complied with the statutory requirements, obtained the audit report in time, and filed it immediately upon noticing the lapse. The explanation offered has not been found to be false, and the Petitioner has annexed documentary proof including the affidavit of the Trustee confirming the circumstances.

7. In our view, refusal to condone the delay results in grave financial hardship to the Petitioner, which runs only an educational institution, especially when the demand has arisen solely on account of a technical lapse. Considering the beneficial object of section 119(2)(b) and the CBDT circulars empowering condonation in genuine cases, we are satisfied that the Petitioner is entitled to relief.

8. We accordingly quash and set aside the impugned order dated 26th March, 2025 passed by Respondent No. 1 under section 119(2)(b) of the Act.

9. We further condone the delay of 181 days in filing Form No. 10B for A.Y. 2019-20. Respondent No. 2 shall give effect to this order and grant consequential reliefs in accordance with law.

10. Rule is made absolute in the above terms. Writ petition is disposed of accordingly. No order as to costs.

11. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.] **[B. P. COLABAWALLA, J.]**