IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.40533 & 40565 of 2025
and
WMP.Nos.45498 & 45500 of 2025

Kalaiselvi Karunalaya Social Welfare Society
Rep by its Secretary and Authorised Signatory
Arumugam Purushothaman PP 1 3rd Block
Mugappair West Chennai 600037 . Petitioner in both cases

-Vs-

1. The Central Board of Direct Taxes Income Tax
4th Floor Mayur Bhawan, Connaught Circus,
New Delhi 110 001 ...R1 in both the cases

2. Union of India
Rep by Secretary to Government
Department of Revenue
Ministry of Finance North Block
New Delhi ...R2 in WP.No.40533/2025

3. The Commissioner of Income Tax (Exemptions)
121, Mahatma Gandhi Road, Nungambakkam
Chennai 600034 ...R3 in WP.No.40533/2025 &
R2 in WP.No.40565/2025

4. The Assistant Director of Income Taxation
Centralized Processing Centre
Post Bag No.2 Electronic City Post Office
Bangalore 560 500 ...R4 in WP.No.40533/2025 &
R3 in WP.No.40565/2025

5. The Income Tax Officer (Exemptions)
Ward – 3, 121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600034 ...R5 in WP.No.40533/2025 & R4 in WP.No.40565/2025

Prayer in WP.No.40533/2025:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Declaration to declare para 3 of the Circular No.16/2024 bearing F.No.197/639/2024-ITA-I dated 18.11.2024 issued by the 1st Respondent insofar as it relates to fixing the time limit of three years from the end of the relevant assessment year (AY) for making application under Section 119(2) (b) of the Income Tax Act, 1961 for condonation of delay in filing Form No.9A /10/10B/10BB for Assessment Years (A.Ys) 2018-19 and subsequent years.

Prayer in WP.No.40565/2025:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Certiorarified Mandamus to call for the records on the file of the 2nd Respondent and quash the impugned order under Section 119(2) (b) of the Act in DIN & Order No.ITBA/COM/F/17/2024-25/1074116378(1) dated 06.03.2025 for the AY 2020-21 passed by the 2nd Respondent and direct the 2nd Respondent to condone the delay in filing audit report in Form No.10B by the Petitioner for the AY 2020-21.

For Petitioner in both cases : Mr.J.Saravanan

For Respondent in both cases Mr. V.J.Arulraj
Senior Standing Counsel
M/s.Anu Ganesan
Junior Standing Counsel

COMMON ORDER

Mr. V.J.Arulraj, learned Senior Standing Counsel takes notice for the Respondents.

2. By this common order, both these writ petitions are being disposed of at the admission stage with the consent of both the learned counsel for the Petitioner and the learned Senior Standing Counsel for the Respondents.

3. In W.P.No.40533 of 2025, the petitioner has challenged the Circular No.16/2024 dated 18.11.2024 bearing F.No/197/693/2024-ITA-I issued by the 1st respondent wherein, the petitioner is aggrieved by the Paragraph No.3 which reads as under:-

> *3. No application for condonation of delay in filing of Form No.9A/10/10B/10BB shall be entertained beyond three years from the end of the assessment year for which such application is made. The time limit for filing of such application within three years from the end of the assessment year will be applicable for application filed on or after the date of issue of this Circular. A condonation application should be disposed of, as far as possible, within six months from the end of the month in*

which such application is received by the Competent Authority.

4. In WP.No.40565 of 2025, the petitioner has challenged the order dated 06.03.2025 passed by the 2nd respondent / Commissioner of Income tax (Exemptions), whereby the request for condonation of delay in filing the Form 10-B as is required under Section 12 A(1)(b) of the Act was rejected as there was a delay of 18 days in filing Form 10B by the petitioner for the Assessment Year 2020-21.

5. Due to out break of COVID-19 pandemic, the last date prescribed for filing of Return of Income was fixed on 15.02.2021 for the Assessment Year 2020-21. As per the Scheme under Section 12A(1)(b) of the Act, read with Rule 17B of Income Tax Rules, 1962, Form 10B ought to have been filed by the petitioner within one month prior to the date of Return of Income. However, the Return of Income itself was filed only on 02.02.2021.

6. After the Return of Income was filed on 02.02.2021 together with Form 10 B on the same date, an intimation was also sent to the petitioner under Section 143(1) of the Act on 30.11.2021. Thereafter, the petitioner was issued with two reminders on 18.06.2024 and 18.11.2024 regarding the delay in filing Form 10 B for the relevant Assessment year.

7. The petitioner filed an application for condonation of delay in filing Form 10 B for the period in dispute only on 31.01.2025 which has now been rejected vide impugned order dated 06.03.2025 by the 2nd respondent. The impugned order has relied upon Paragraph No.3 of the impugned Circular.

8. There is a marginal delay in filing Form 10 B by the petitioner. The delay ought to have been condoned on terms. However, the 2nd respondent being an Officer of the Income Tax Department is bound by the said Circular and therefore, the order passed by the 2nd respondent rejecting the application for condonation of delay cannot be found fault with.

9. At the same time, the petitioner is also entitled to file Form 10 B, as otherwise the benefits of deductions and exemption from payment of tax deductions, available to a Trust i.e., of the petitioner's will not be allowed.

10. Considering the length of time taken in approaching the 2nd respondent with the condone delay application on 31.01.2025, a cost of Rs.15,000/- (Rupees Fifteen Thousand Only) is imposed on the petitioner to be paid to any Child Welfare Society registered and recognized in law within period of 30 days from the date of receipt of a copy of this order.

11. In case the petitioner complies with the same, it will be deemed as that the delay in filing the Form 10 B for the Assessment year 2020-2021 has been condoned, in which case the Jurisdictional Assessing Officer shall issue a fresh intimation under Section 143(1) of the Income Tax Act, 1961.

12. It is made clear that the amount of Rs.15,000/- has been awarded only after considering the fact that the petitioner itself is a registered Trust under Section 12 A of the Income Tax Act, 1961.

13. These Writ Petitions are disposed with the above observations. No costs. Connected Miscellaneous Petitions are closed.

16.12.2025

Neutral Citation: Yes/No

gv

To

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2. The Secretary to Government
   Department of Revenue
   Ministry of Finance North Block
   New Delhi

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   Post Bag No.2 Electronic City Post Office
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C.SARAVANAN, J.,

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