BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5828 of 2025

and WMP(MD) Nos.4238 & 4239 of 2025

Annamalaiyar Educational and Charitable Trust
Rep. by Mr.V.Ayyappan
Chairman and Managing Trustee : Petitioner

Vs.

1. The Commissioner of Income Tax (Exemptions),
Aayakar Bhavan,
121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600034.

2. The Income Tax Officer,
Exemptions Ward, Madurai-625002. : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records of the first respondent in DIN and Order No.ITBA/COM/F/17/2024-25/1070771214(1) dated 29/11/2024 for the assessment year 2021-22 and quash the same.

For Petitioners : Mr. T.Vasudevan

For Respondents : Mr.N.Dilip Kumar

O R D E R

The petitioner has filed the present writ petition challenging the rejection order dated 29.11.2024, in respect of the condonation of delay in filing Form 10B under Section 119(2)(b) of the Income Tax Act, 1961.

2. The learned counsel for the petitioner submitted that the petitioner Trust is engaged in running a college under the name of 'Karaikudi Institute of Technology and Karaikudi Insitute of Management' and had been regularly filing the returns of income and the audit report for all the assessment years. The Central Board of Direct Taxes (CBDT) had permitted the Trusts to file the audit report by 15.01.2022 and the return of income by 05.02.2022 for the assessment year 2021 – 2022. However, the petitioner filed the return of income on 15.03.2022. Though the audit report was prepared by the petitioner on 15.03.2022, due to a technical glitch in the portal, the audit report could only be uploaded on 04.07.2022, resulting in a delay of 139 days. The learned counsel for the petitioner, therefore, submitted that the delay was neither willful nor deliberate but due to circumstances beyond control.

3.The learned counsel further submitted that although the first respondent has the authority to exercise his delegated powers under Section 119(2) of the Income Tax Act to condone the delay of 139 days, being the delay less than 365 days, the first respondent by referring the CBDT Circular No.2 of 2020, dated 03.01.2020, issued the impugned proceedings dated 29.11.2024 on the ground that no reasonable cause for the delay was demonstrated by the petitioner Trust.

4. Per contra, the learned counsel appearing on behalf of the respondents, vehemently opposed the request to condone the delay in filing the Audit Report in Form 10B and submitted that while passing the impugned order, the respondent carefully reviewed the petitioner's application. However, upon careful scrutiny, the respondent found that the petitioner did not present any compelling reasons or valid circumstances to justify the delay in filing the ITR. Consequently, the respondent rejected the request for condoning the delay in the impugned order dated 29.11.2024.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. In the case on hand, since the petitioner has faced a technical glitch in the portal, which prevented the timely submission, this Court sets aside the impugned order passed by the first respondent on 29.11.2024 and remands the matter back to the first respondent for a fresh consideration. The first respondent is directed to review the petitioner's application for condonation of delay and take a fresh decision, keeping in mind the explanation provided by the petitioner and the circumstances under which the delay occurred.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.03.2025

Index : Yes / No
Internet : Yes / No

PKN

To

1. The Commissioner of Income Tax (Exemptions),
Aayakar Bhavan,
121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600034.

2. The Income Tax Officer,
Exemptions Ward, Madurai-625002.

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.5828 of 2025

27.03.2025