IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13.03.2026**

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**
**AND**
**THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

W.P.Nos.19868 and 19871 of 2025
and
W.M.P.Nos.22406 and 22409 of 2025

**W.P.No.19868 of 2025**

All India Sai Samaj,
Represented by its President,
Shri A.Selvaraj,
S/o G.Alagarsamy,
aged 60 years,
No.37, Alamelumanagapuram,
Venkatesa Agraharam,
Mylapore, Chennai 600 004. ...Petitioner

Vs.

1.The Commissioner of Income Tax (Exemptions),
Aayakar Bhawan-Annexe Building,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Central Processing Centre,
1st Floor, Prestige Alpha No.48/1 & 48/2,
Beratenaagrahara Begur, Hosur Road,
Uttarahalli Hobli,
Bengaluru 560 100.

3.The Deputy Commissioner of Income Tax(Exemptions),
3rd Floor, Annexe Building,
121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034. ...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in DIN and Order No.ITBA/COM/F/17/2024-25/1071743251(1) dated 31.12.2024 order under Section 119(2)(b) of the IT Act on the file of the 1st Respondent for the AY 2022-23 and quash the same and direct the 1st respondent to condone the delay in filing of the Audit Report in Form 10B dated 31.12.2022 for the A.Y.2022-2023.

**W.P.No.19871 of 2025**

All India Sai Samaj,
Represented by its President,
Shri A.Selvaraj,
S/o G.Alagarsamy, aged 60 years,
No.37, Alamelumanagapuram,
Venkatesa Agraharam,
Mylapore, Chennai 600 004. ...Petitioner

/versus/

1.The Commissioner of Income Tax (Exemptions),
Aayakar Bhawan-Annexe Building,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Chairman,
The Central Board of Direct Taxes,
Ministry of Finance, Govt.of India,
Department of Revenue,
Central Secretariat,
North Block, New Delhi 110 001.

3.The Deputy Commissioner of Income Tax(Exemptions),
3rd Floor, Annexe Building,
121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034. ...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in DIN and Order No.ITBA/COM/F/17/2024-25/1071873158(1) dated 04.01.2025 order under Section 119(2)(b) of the IT Act, 1961 on the file of the 1st Respondent for the AY 2023-24 and quash the same and direct the 1st respondent to condone the delay in filing of the Audit Report in Form 10B dated 29.12.2023for the A.Y.2023-2024.

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|---|---|
| For Petitioner<br>in both cases | Mr.G.Baskar |
| For Respondents<br>in both cases | Mr.V.J.Arul Raj,<br>Senior Standing Counsel |

**COMMON ORDER**

These writ petitions are filed by the assessee challenging the order passed by the Commissioner of Income Tax (Exemptions), Chennai, dismissing the applications seeking condonation of delay under Section 119(2)(b) of the Income Tax Act, 1961, hereinafter referred as 'Act' in filing Form 10B for the assessment years 2022–2023 and 2023–2024, respectively.

**2.** The petitioner is a charitable trust and its income is admittedly exempt from tax under Section 11 of the Act. However, the statute mandates that the audit report of the trust which claims exemption must be submitted atleast one month prior to the due date for filing returns, as per Section 12A(b) of the Act. At the same time, under Section 119(2)(b), the CBDT has issued a circular stating that for valid reasons, the Commissioner of Income Tax can condone the delay in filing the audit report upto 365 days. A conjoint reading of these provisions indicates that any charitable trust which is exempted from paying tax must file its audit report within one month prior to the due date. However, if there is a delay, it is condonable upto 365 days.

**3.** In this case, the Commissioner of Income Tax has declined to exercise discretion to condone the delay. One of the reasons stated in the impugned order is that the assessee is a habitual defaulter. Further, the assessee has not submitted any documentary proof to substantiate its claim and the veracity of the assessee is highly questionable.

**4.** The Learned Counsel appearing for the assessee submitted that for the Assessment Year 2020–2021, the Commissioner of Income Tax had condoned the delay in filing the returns. The reason for not filing returns in time was due to shortage of manpower and pending litigations.

**5.** In our view, the reasons stated are plausible and the Commissioner of Income Tax ought not to have taken pedantic view in appreciating the reason for the delay. Moreover, when the trust is eligible for total exemption of tax, there cannot be any ulterior motive in not filing the returns in time.

**6.** We also find that, for the very same assessee, the Commissioner of Income Tax had granted exemption for the previous assessment year and also take judicial notice of the fact that regarding pending litigations and the administration of the trust.

**7.** Accordingly, these Writ Petitions are disposed of by setting aside the order passed by the Income Tax Department and condoning the delay. The delay of 84 days in filing the audit report for the assessment year 2022–2023 and 59 days in filing the audit report for the assessment year 2023–2024 stands condoned. Consequential action shall be taken by the department in accordance with law. There shall be no order as to costs. Connected Miscellaneous Petitions are closed.

**(Dr.G.J. J.,) & (S.S.A. J.,)**
13.03.2026

bsm
To,
1.The Commissioner of Income Tax (Exemptions),
Aayakar Bhawan-Annexe Building,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Central Processing Centre,
1st Floor, Prestige Alpha No.48/1 & 48/2,
Beratenaagrahara Begur, Hosur Road,
Uttarahalli Hobli, Bengaluru 560 100.

3.The Deputy Commissioner of Income Tax(Exemptions),
3rd Floor, Annexe Building, 121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

4.The Chairman,
The Central Board of Direct Taxes,
Ministry of Finance, Govt.of India,
Department of Revenue,
Central Secretariat,
North Block, New Delhi 110 001.

**Dr.G.JAYACHANDRAN, J.**
**AND**
**SHAMIM AHMED, J.**

bsm

**W.P.Nos.19868 and 19871 of 2025**
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