

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C" NEW DELHI**

(Convened through Virtual Court)

**BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER
AND
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No. 546/Del/2021

(निर्धारण वर्ष / Assessment Year :)

ICMAI Registered Valuers Organisation 4 th Floor, 3, Institutional Area, Lodhi Road, New Delhi	बनाम/ Vs.	CIT (Exemption) New Delhi
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AAEC17760C		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से /Appellant by :	Shri Subodh Gupta, CA
प्रत्यर्थी की ओर से / Respondent by :	Shri T. Kipgen, CIT DR

सुनवाई की तारीख / Date of Hearing	21/12/2021
घोषणा की तारीख /Date of Pronouncement	11 /01/2022

आदेश/ORDER

PER PRADIP KUMAR KEDIA, AM:

The captioned appeal has been filed at the instance of the assessee trust seeking to challenge the order passed u/s. 12 AA (1) (b) r.w.s. 12 A of the Income Tax Act, 1961 dated 25.03.21 passed

against the order of the Commissioner of Income Tax (Exemption), New Delhi ('CIT(E)' in short).

2. When the matter was called for hearing the Ld. Counsel for the assessee submitted that CIT(E) misdirected himself in law and on facts for denial of registration of the assessee u/s. 12 AA (1) (b) r.w.s. 12A of the Income Tax Act, 1961 without any sustainable grounds. It was submitted that the CIT(E) has committed error in not appreciating the fact that the main activities of the assessee of the assessee *inter alia* includes "Providing valuers course" to create skilled registered valuers in the country. It was contended that the fruits of various activities like training, seminars could be available to the public at large without any profit motive and for that purpose the assessee is registered u/s. 8 of the Companies Act, 2013 and is a wholly owned subsidiary of the Institute of Cost Accountant of India and registered with Insolvency and Bankruptcy Board of India (IBBI) framed with the objective of educating, regulating and monitoring the discipline of registered valuers. It was submitted that the registration sought under section 12AA could not be denied to the assessee where on similar facts, various other organizations like ICAI registered valuers organization, Indian Institute of Insolvency Professionals of ICAI, ICSI Insolvency Professional agency, Practising Valuers Association of India carrying similar objects as that of assessee, have been duly granted registration. Assessee thus urged that the action of the CIT(E) be reversed and application made u/s.12AA be entertained and registering authority be directed to register the assessee under section 12AA of the Act.

3. The Ld. CIT (DR) for the revenue, on the other hand, contended that the assessee has failed to discharge the onus which

lay upon it to support its claim of registration u/s. 12AA of the Act before the CIT (E) and thus the revenue had no option left in the matter. It was contended that the action of the CIT(E) cannot assailed for the failure on the part of the assessee to support its application with factual aspects.

4. We have carefully considered the rival submissions. From a bare reading of the impugned order under section 12AA of the Act, it appears that the assessee has failed to respond to the requirements of the CIT(E) to enable him to appreciate the relevant facts for the purposes of registration. However, in the same vain, we simultaneously notice that the assessee has filed certain replies IN DAK before the CIT(E). On a reading of the impugned order, it appears that the CIT(E) has taken a view against the assessee unilaterally and without taking note of the main objects of the assessee as well as the decisions rendered in other cases placed in similar situation as claimed. The impugned order appears to be somewhat cryptic and requires elucidation on facts and law. We, therefore, deem it appropriate to restore the matter back to the file of the CIT(E) / other competent registering authority in force to examine matter *denovo* after taking cognizance of the factual position and contentions of the assessee. It shall be upon to the assessee to submit all relevant facts and its contentions before registering authority. The registering authority shall pass speaking order in accordance with law after taking note of the various submissions and contentions of the assessee. The impugned order under section 12AA (1) (b) r.w.s. 12A under challenge is thus set aside in terms observations hereinabove.

5. In the result, the appeal of the assessee is allowed for statistical purpose.

This Order pronounced on 11/01/2022

Sd/-
(C.N.PRASAD)
JUDICIAL MEMBER
Dated 11/01/2022

Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

True Copy

Neha

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

Assistant Registrar
ITAT, Delhi Benches,
New Delhi

Date of dictation	22.12.2021
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	11.01.2022
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	