



Govt of India

**Office of the Commissioner of Income-tax, Dhanbad**

Aaykar Bhawan, Luby Circular Road, Dhanbad Tel : 0326-2312056

Name of the Institution/Trust	Jeevan
Address	Bastacola, Goushlla more, P. O. Dhansar, Dhanbad.
PAN	AAA AJ3139N
Application filed on	15.12.2010
Assessable under	ACIT, Circle-1, Dhanbad.

F. No. CIT/DHN/Tech/12A-28/2011-12 /1081.

The above named Society applied for registration u/s 12A(1)(aa) of the Income-tax Act, 1961 on 15.12.2010. The application in Form 10A was submitted under the signature of Sri Anil Kumar Singh, Secretary of the Society.

The Society was registered under Societies Registration Act 21, 1860 vide registration No. 656 of 2007-08 on 27.08.2007. The audited accounts of the society for the year ending on 31.03.08, 31.03.09 and 31.03.10 submitted by the applicant, were examined.

The main objects of the society are to open village library, organize cultural programmes and providing job oriented training like sewing, typing etc. for handicapped, to impart education to physically handicapped and deaf and dumb people, to conduct research and survey for handicapped persons, to organize female member of society against various social evil, to help old persons and to organize health check up camp for various diseases etc.

In order to ascertain the genuineness of the society the ACIT, Circle-1, Dhanbad was entrusted to conduct an enquiry into the entire affairs of the society. The report of ACIT is reproduced below;-

*"On perusal of the noted objectives of the Society, it is understood that the Society has been created with appreciable and noble objectives and can be construed that the objectives are for charitable purpose within the meaning of sec 2(15) of the Income Tax Act, 1961. However, as per the report of the Inspector as well as the details of accounts filed, it is seen that presently the society is engaged in imparting education, training and rehabilitation of the physically challenged including mentally retarded persons. In its effort, the society provides free training and education to the children from Below Poverty line. The Society is also providing D. Ed. Se (MR) course to train people for giving education to Deaf & Dumb and mentally retarded person. Though the society is registered in the name of "Jeevan" but it has been carrying on the activities through it's three units under the names " Samarth", "D.Ed, SE(MR) Training Centre" and " Day Care M.R. (Sp. School)".*

30/06



*The Society carries on its activities simultaneously from the all the three units. Thus the activities of the trust in the matter of imparting education to Physically Challenged and mentally retarded persons appear to be genuine. The building from where the society operates, has been provided by BCCL Moreover, BCCL provides free electricity and water. It has been reported by the Inspector that trust maintains the books of accounts through computer system in " Tally" programme. The society is run by the aid from " National Trust" subscriptions from students and donations from parents and well wishers etc. " National Trust" is an organization of the Govt. of India under the Ministry of Social Justice & Empowerment and the contribution from " National Trust" comes through bank. Such contribution is used for the purpose of food and hostel facilities. Other donations mostly come through cash and kind. Though it has been reported by the Inspector that society maintains the books of accounts through "Tally" programme, but no supporting papers and documents could have been produced. Moreover, other than the return of income for the assessment year 2010-11, no returns of income for the earlier assessment years are found to have been filed. From the accounts filed it is seen that more than 85% of the income of the society has been expended for charitable purpose. On a perusal of the Inspector's report vis-a-vis the memorandum of the society and other papers and documents filed along with the application for registration as well as collected by the Inspector during enquiry, it appears that,*

- (i) The particulars of names, address etc. are correctly stated in the application. The society operates from the building provided by BCCL.*
- (ii) As per accounts filed it appears that the income of the society has been applied towards its objective only, but in absence of any supporting papers and documents the genuineness of the expenses are not established.*
- (Hi) The society wholly exists for the benefit of general public.*
- (iv) The objects are exclusive of any offensive clause which is neither religious nor charitable or which is replete with communal or casteist overtones,*
- (v) No member of the managing committee receives any remuneration, except one Sri A. K. Singh, the secretary. However, it has been reported by the Inspector that Sri A. K. Singh does not get any remuneration for holding the office as Secretary but as a teacher of D. Ed.SE(MR). The "Rules & Regulations" of the society does not provide for any remuneration to any member of the Managing Committee.*
- (vi) As per clause 20 of the " Rules & Regulations" that in case of dissolution, the movable and immovable properties of the society shall be given to the Government after payment of all debts, loans etc. However, it is not clear from the said clause to which Government Le. the state Government or the Union Government it means.*



(vii) *As it appears from the income projected by the society, the same is commensurate with th charitable activities proposed to be undertaken.*

*On the facts and circumstances of the case it can be inferred that the society is an existing one, the objectives of which are noble and appreciable and are for charitable purpose involving imparting of education and training of Physically Challenged and Mentally Retarded persons irrespective any caste, creed and region within the meaning of sec. 2(15) of the Income Tax Act, 1961. But, considering the failure on the part of society in the matter of production of relevant papers and documents supporting the books of accounts and on the failure on the part of the society in the matter of filing of return of income for the assessment years priors to the assessment years 2010-11, registration u/s 12A may kindly be denied in the instant case."*

As the applicant had not been able to file the relevant papers before the A.O, fresh opportunity was given to the applicant by the office of the CIT. In keeping with principles of natural justice a show cause letter No. 972 dated 24.06.2011 was issued to the applicant for submitting Memorandum of Association for verification, details of charitable activities along with evidences, all papers of assets of the society in original for verification, copy of resolution regarding payment to the secretary and all relevant papers and documents supporting the books of accounts as requisitioned by ACIT, Circle-1, Dhanbad. Sri A. K. Singh, secretary of the society appeared and produced original copy of MOA and all papers of assets of the society for verification. He also furnished copies of papers of assets of society, resolution register regarding payment of salary to the secretary, some papers supporting books of accounts and a copy of annual report (2010-11) of the society.

Evidence to the effect that the Society provided education to mentally retarded people, deaf and dumb and physically handicapped children were produced. Sixty-two such children have been getting education and out of this forty two BPL children have been getting free education. The society also organized training programmes for parents for deaf and dumb and mentally challenged children. It also organized district level sports competition for handicapped people. The society received donation of Maruti Van, sewing Machine and aquaguard by different organizations since the society had been engaged in charitable activities.

The society submitted photographs, paper cuttings, certificates from National Trust and Rehabilitation Council of India and 18<sup>Th</sup> annual report(2010-11) etc. in support of charitable activity for the public which appeared to be reliable and not open to challenge. Hence it is inferred that the society is genuine. All the evidence submitted by the applicant were confronted to the A. O. for his comments.

In accordance with section 12A(2) of I. T. Act, 1961, the provisions of sections II and 12 shall apply in relation to the Income of the trust/institution from the Asstt. Year 2011-12 i.e. immediately following the F. Y. 2010-11 in which the application was made. Hence, registration u/s 12AA is granted in this case with effect from Asstt. Year 2011-12. It has been entered vide SI. No.28 of the Register of Charitable Trust (2010-11).

  
(Rajy Singh)

Commissioner WiTncome Tax  
Dhanbad



Memo No. CIT/DHN/Tech/12A-28/10- 11-1082/83  
Dated, Dhanbad the 30<sup>th</sup> June, 2011,

Copy to the :-

1. Joint Commissioner of Income Tax, Range-1. Dhanbad
2. ACIT, Circle-1. Dhanbad,
3. **The Fund/Institution** named above.
4. The Guard File.



(Basant Ram } Income Tax Officer (Tech)  
For: Commissioner of Income-Tax. Dhanbad