



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi



To,
M.C.MODI EDUCATIONAL TRUST
5-4-187/3 AND 4 SOHAM MANSION ,M.G
ROAD SECUNDERABAD
SECUNDERABAD 500003 ,Telangana
India

PAN:
AAATM5488Q

Assessment Year:
2018-19

Date:
16/02/2021

DIN:
ITBA/AST/F/143(3)(SCN)/20
20-21/1030685014(1)

Show cause Notice as to why assessment should not be completed as per Draft Assessment Order

Ms/ Mr/ M/s,

1. We appreciate the anxiety and uncertainty that is facing all of us in the times of Covid-19. This communication is to assist you in ending one uncertainty, which is pending e-Assessment in your case for the Assessment Year 2018-19.
2. A draft assessment order proposing to modify your returned income and/or sum payable is reproduced as under:-

In continuation to the earlier notices.

After gone through the submission dated 03/02/2021 and 08/02/2021.

It was requested vide show cause notice dated 02/02/2021 in view of section 63 & section 76 of the Indian evidence Act 1872, to submit the certified copy of the same, also requested to upload the certified copy of form 12A. In this respect repeatedly you have stated that the original document is lost/misplaced. Further you have submitted the facts regarding request for issue of duplicate copy of registration letter to The Commissioner of Income-tax (Exemption) Hyderabad. As there is no such provision therefore applied for registration u/s 12AA afresh. The same is rejected vide order u/s 12AA(1)(b)(ii) F. No.CIT(E)/Hyd/68(02)/12A/2017-18 dated 27/08/2018. Aggrieved with the same assessee trust went to appellate tribunal Hyderabad on 30/07/2019 the same is till pending with the ITAT. Assessee also failed to obtain the same under the RTI Act.

In the submission the assessee has requested to consider the income of the trust by classifying u/s 14 and to allow the benefit of deduction under chapter VIA. It is to state that the department has not challenged to the trust deed but the burden to prove the said trust is eligible to assessed income u/s

12AA of the IT ACT is on the assessee. In view of the above the contention of the assessee to consider the income classified u/s 14 of the Act, is not acceptable, as the option of the treatment of AOP is available with the department.

As the certified copy of registration and 12AA is required during the course of faceless assessment proceedings it is the burden of assessee to produce the same. Here in the case till date the matter is under the consideration of tribunal and the department has to complete the proceeding by limitation date. Therefore it is presumed that assessee himself stated that the trust deed which has been submitted is fact the 'Certified True copy' only as the same is certified by Asstt. Commissioner, Endowment Department, Twin Cities, Hyderabad. Infact in all submission made by the assessee, no where the certified copy of registration certificate was found.

In view of the above now the assessee is requested to show cause on the following point :

1. In absence of the must requisite certified copy of Registration Certificate of Trust and certified copy of 12AA the entire claim of amount applied towards Capital expenditure of Rs.1,55,46,620/- and the revenue expenditure of Rs.12,01,812/- should not be disallowed and add back to the total income in the year under consideration to the extent of revenue receipts of Rs.69,64,722/- in absence of copy of certified documentary evidence as well as in view of the CIT (Exemption) Hyderabad rejection letter also requested to show cause why the M C Modi education trust is not treated as AOP and assessed accordingly.
2. Thus the difference of capital expenditure of Rs. 9783710/- (Rs.1,55,46,620 – Rs.69,64,722) is more than the income / revenue receipt, the part which is in excess of revenue receipts become such expenditure as defined by section 69C of the income tax Act why the same should not be add back to the total income under the head income from other sources.

In case of non-compliance on your part, it will be presumed that you have nothing to say in the matter and your case will be decided on the basis of available fact and record with this office. Please note that **non-compliance of the notice u/s. 142(1) of the IT Act can attract initiation of penalty u/s. 272A(1)(d) of the IT Act, 1961.**

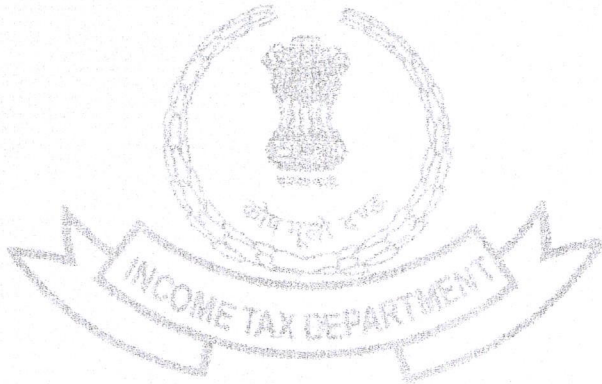
You are hereby given an opportunity to show cause why the assessment should not be completed as per the draft assessment order.

3. Kindly submit your response through your registered e-filing account at www.incometaxindiaefiling.gov.in by 23:59 hours of 21/02/2021, whereby you may either:-

- a. accept the proposed modification; or
- b. file your written reply objecting to the proposed modification; or
- c. if required, you may request for personal hearing so as to make oral submissions or present your case after filing of written reply. On approval of the request, personal hearing shall be conducted exclusively through video conference.

4. In case no response is received by the given time and date, the assessment shall be finalized as per the draft assessment order.

Yours faithfully,
Additional / Joint / Deputy / Assistant Commissioner of Income Tax/
Income-tax Officer,
National e-Assessment Centre,
Delhi



Signature Not Verified
Digitally signed by Chandan
Kumar Srivastava
Date: 2021.02.16 15:21:14 IST