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Income Tax Department, Government of India

ACKNOWLEDGEMENT OF RECEIPT OF FORM (Other Than ITR)

Name	M.C.MODI EDUCATIONAL TRUST	**PAN**	AAATM5488Q
Form No	35	**Assessment Year**	2016-17
e-Filing Acknowledgement Number	407382391100119	**Date of e-Filing**	10/01/2019

For and on behalf of,
e-Filing Administrator

(This is a computer generated Acknowledgment Receipt and needs no signature)

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FORM NO. 35 [*See* rule 45] Appeal to the Commissioner of Income-tax (Appeals)	CIT(A)	Acknowledgement Number
	CIT (A), Hyderabad- 9	407382391100119

Personal Information

First Name	Middle Name	Last Name or Name of Entity	PAN	TAN (if available)
		M.C.MODI EDUCATIONAL TRUST	AAATM5488Q	

Flat/ Door/ Block No.	Name of Premises / Building / Village	Road / Street / Post Office
5-4-187/3 AND 4 SOHAM MANSION		M.G ROAD

Area/ Locality	Town/ City/ District	State	Country
SECUNDERABAD	SECUNDERABAD	TELANGANA	INDIA

Pincode	Mobile No	STD Code-Phone No	Email Address	Whether notices/ communication may be sent on email?
500003	9502200911	40 - 66335551	accounts@modiproperties.com	Yes

Order against which Appeal is filed

1	Assessment year in connection with which the appeal is preferred/ Enter financial year in case appeal is filed against an order where assessment year is not relevant					
	Assesessment Year	Financial Year	Block Period		Date Of Search	
			From(AY)	To(AY)		
	2016 - 17					

2	Details of Order appealed against/Application u/s 248	
a	Section and sub-section of the Income-tax Act,1961	143(3)
	Order Number	ITBA/AST/S/143(3)/2019/1014368412
b	Date of Order/Date of Tax Payment in case of Application u/s 248	18/12/2018
c	Date of service of Order / Notice of Demand	18/12/2018
3	Income-tax Authority passing the order appealed against	ITO Exemption Ward 1(2)/HYD

Pending Appeal

4	Where an appeal in relation to any other assessment year is pending in the case of the appellant with any Commissioner (Appeals)	No
4.1	If reply to 4 is Yes, then give following details.	

Sl.No	Commissioner (Appeals), with whom the appeal is pending	Appeal No	Date of Filing of appeal	Assessment year/ financial year in connection with which the appeal has been preferred	Assessment year/ financial year	Income-tax Authority passing the order appealed against	Section and sub-section of the Income-tax Act,1961, under which the order appealed against has been passed	Date of such Order
1								

Appeal Details

5	Section and sub-section of the Income-tax Act,1961 under which the appeal is preferred	246A
6	If appeal relates to any assessment ?	Yes
a	Amount of Income Assessed (in Rs.)	4949724
b	Total Addition to Income (in Rs.)	1997930
c	In case of Loss, total disallowance of Loss in assessment (in Rs.)	0
d	Amount of Addition/ Disallowance of Loss disputed in Appeal (in Rs.)	1997930
e	Amount of Disputed Demand (in Rs.)-Enter Nil in case of Loss	1060129
7	If appeal relates to penalty ?	Not Applicable
a	Amount of penalty as per order (in Rs.)	
b	Amount of penalty disputed in Appeal (in Rs.)	

Details of Taxes paid

8	Where a return has been filed by the appellant for the assessment year in connection with which the appeal is filed, whether tax due on income returned has been paid in full	Yes
8.1	If reply to 8 is Yes, then enter details of return and taxes paid	
a	Acknowledgement number	456707481210916
b	Date of filing	21/09/2016
c	Total tax paid	737984
9	Where no return has been filed by the appellant for the assessment year, whether an amount equal to the amount of advance tax as per section 249(4)(b) of the Income-tax Act, 1961 has been paid	Not Applicable
9.1	If reply to 9 is Yes, then enter details	

Tax Payments			
BSR Code	Date of payment	Serial Number	Amount
Total			0

	10	If the appeal relates to any tax deductible under section 195 of the Income-tax Act,1961 and borne by the deductor, details of tax deposited under section 195(1)				
		Sl. No	BSR Code	Date of payment	Serial Number	Amount
		1				

Statement of Facts, Grounds of Appeal and additional evidence	11	**Statement of Facts**	
		Facts of the case in brief (not exceeding 1000 words)	1.The appellant is a Public Charitable Trust evidenced under a Trust Deed dated 15-11-1955. 2.The trust was settled more than 60 years ago by Late Shri. ManilalChhaganlal Modi (M C Modi). The founder Trustees were Late Shri. Manilal Chiganlal Modi, Late Shri. Chimanlal Chhaganlal Modi and Late Shri. Occhavlal Maganlal Parikh. 3.For past several years upon demise of settlor/founder trustees, the trustees of the trust were Mr. Pramod Modi, Mr. Satish Modi. The day to day affairs of the trust were managed by them from their respective offices. Shri.Pramod Modi died on 04-06-2012 and Shri. Satish Modi died on 20-01-2016. Both the trustees were healthy and unexpectedly died of heart attacks. 4.The present trustees are Mr. Soham Modi, S/o. Late Satish Modi, Mr. Ashish Modi, S/o. Late Pramod Modi and Om Prakash S/o Late Praveen Chandra Modi. They are the grand children of late Mr. Manilal C Modi and his brother Late Mr. Chimanlal C Modi. 5.The trust has been carrying out his charitable activities implacably for over 60 years. 6.Due to the sudden demise of late Mr. Pramod Modi and Late Mr. Satish Modi, all records pertaining to the trust could not be handed over to the present trustees. Accordingly, several documents pertaining to exemptions under IT act and others are no longer traceable. The premises from which the operations of the trust were handled by late Mr. Pramod Modi is no longer being used by the present trustees and many documents were lost in transferring the files from the old office of the trust. 7.The Trust has been regularly filing its Return of Income under the Status of AOP(Trust) for past several years. 8.For Assessment Year 2016-17, the Return of Income was filed vide acknowledgement number 456707481210916 on 21-09-2016 admitting income of Rs.29,51,794/- 9.The Income is computed in accordance with the provision of Section 11 and 12 of I.T Act,1961. 10.The Trust is registered u/s 12A of the IT Act, 1961 vide Letter No. V/19/67-68 dated 01-06-1968. 11.The above registration letter and also the Original Trust Deed has been lost/misplaced. 12.The Trust has requested IT Department to issue a duplicate Registration certificate as that may be available with their records. We have received a communication that there is no such provision to issue a duplicate registration certificate. 13.In view of this background and left with no alternative, we have applied for a registration u/s 12AA afresh. The application was filed on 26-02-2018. 14.Vide Order u/s 12AA(1)(b)(ii) F.No CIT(E)/Hyd/68(02)/12A/2017-18 dated 27-08-2018, the registration is denied and the application in Form 10A got rejected. The only ground of rejection is due to non-submission of certain documents/information requested for in the course of hearing could not be furnished within time allowed. 15.The application filed in Form 10A on 26-02-2018 was required to be disposed off within a period of 6 months i.e., by 31-08-2018. Since the group accountant was pre-occupied with finalization of various IT returns to filed on or before 31-08-2018 and also with the tax audits works, could not attend to and furnished the required information. As the matter was getting time barred, the application got rejected. 16.It may be noted that the rejection of registration is during the FY 2018-19 which has to take effect for Assessment Year 2019-20. The rejection order does not ispo facto applicable for Assessment Year 2016-17. Further, the rejection is operative with prospective date and not with retrospective date. 17.The Trust is therefore deemed to be a Registered Trust u/s 12A/AA for Assessment Year 2016-17 vide Letter No. V/19/67-68 dated 01-06-1968. 18.In view of the above, it is pleaded that the taxable income should be computed in accordance with the provisions u/s 11 and 12. Further, the tax liability is computed at maximum marginal rate of 30 percent instead of at applicable progressive slab rate.
		List of documentary evidence relied upon	As submitted during the course of assessment proceedings, case records with AO and such other evidences as may be deemed appropriate.
	12	**Whether any documentary evidence other than the evidence produced during the course of proceedings before the Income-tax Authority has been filed in terms of Rule 46A**	Yes
	12.1	**If reply to 12 is Yes, furnish the list of such documentary evidence**	Apellent reserves its rights to make an application u/r 46A , in event of circumstances falling under sub-rule(1) to Rule 46A, at the time of hearing of appeal.
	13	**Grounds of Appeal(each ground not exceeding 100 words)**	

Relevant section (s) of IT/Act	Issue	Ground of Appeal
General	General	The order of the learned Assessing Officer, in so far as it is prejudicial to the interest of the appellant, is against law, weight of evidence and probability of the case and the following grounds are without prejudice to each other.
12AA	12AA registration	The Assessing Officer on the facts and circumstances of the case has erred in law that order u/s 12AA dated 27-08-2018 denying the registration is applicable for Assessment Year 2016-17.
11 and 12	Taxability in accordance with the provision of sections 11 and 12	The Assessing Officer on the facts and circumstances of the case has erred in law in not computing the taxable income in accordance with the provision of sections 11 and 12 of IT Act, 1961.
General	Computation of tax	The Assessing Officer on the facts and circumstances of the case has erred in law in computing the tax liability at maximum marginal rate of 30 percent instead of at applicable progressive slab rate.
General	General	The appellant craves leave to add, amend, alter or delete any or all the ground(s) of appeal.

Appeal filing details

14	**Whether there is delay in filing appeal ?**	No
15	**If reply to 14 is Yes, enter the grounds for condonation of delay (not exceeding 500 words)**	
16	**Details of Appeal Fees Paid**	

BSR Code	Date of payment	Serial Number	Amount
0510308	10/01/2019	1312	1000

17 Address to which notices may be sent to the appellant

Flat/ Door/ Block No.	Name of Premises / Building / Village	Road / Street / Post Office	
5-4-187/3 AND 4 SOHAM MANSION		M.G ROAD	
Area/ Locality	**Town/ City/ District**	**State**	**Country**
SECUNDERABAD	SECUNDERABAD	TELANGANA	INDIA
Pincode	**Mobile No**	**Email Address**	
500003	9502200911	accounts@modiproperties.com	

Form of Verification

I, SOHAM SATISH MODI the appellant, do hereby declare that what is stated above is true to the best of my information and belief. It is also certified that no additional evidence other than the evidence stated in row 12.1 above has been filed.

Place : **Secunderabad**
Date : **10/01/2019**

This form has been digitally signed by **SOHAM SATISH MODI** having PAN **ABMPM6725H** from IP Address **183.83.254.119** on **2019-01-10 18:12:29.0** .
Dsc Sl No and issuer **690145CN=Capricorn CA 2014,2.5.4.51=#131647352c56494b41532044454550204255494c44494e47,STREET=18\,LAXMI NAGAR DISTRICT CENTER,ST=DELHI,2.5.4.17=#1306313130303932,OU=Certifying Authority,O=Capricorn Identity Services Pvt Ltd.,C=IN**

M.C MODI EDUCATIONAL TRUST

ASST.YEAR 2016-17

Statement of facts:

1. The appellant is a Public Charitable Trust evidenced under a Trust Deed dated 15-11-1955.
2. The trust was settled more than 60 years ago by Late Shri. ManilalChhaganlal Modi (M C Modi). The founder Trustees were Late Shri. Manilal Chiganlal Modi, Late Shri. Chimanlal Chhaganlal Modi and Late Shri. Occhavlal Maganlal Parikh.
3. For past several years upon demise of settlor/founder trustees, the trustees of the trust were Mr. Pramod Modi, Mr. Satish Modi. The day to day affairs of the trust were managed by them from their respective offices. Shri.Pramod Modi died on 04-06-2012 and Shri. Satish Modi died on 20-01-2016. Both the trustees were healthy and unexpectedly died of heart attacks.
4. The present trustees are Mr. Soham Modi, S/o. Late Satish Modi, Mr. Ashish Modi, S/o. Late Pramod Modi and Om Prakash S/o Late Praveen Chandra Modi. They are the grand children of late Mr. Manilal C Modi and his brother Late Mr. Chimanlal C Modi.
5. The trust has been carrying out his charitable activities implacably for over 60 years.
6. Due to the sudden demise of late Mr. Pramod Modi and Late Mr. Satish Modi, all records pertaining to the trust could not be handed over to the present trustees. Accordingly, several documents pertaining to exemptions under IT act and others are no longer traceable. The premises from which the operations of the trust were handled by late Mr. Pramod Modi is no longer being used by the present trustees and many documents were lost in transferring the files from the old office of the trust.
7. The Trust has been regularly filing its Return of Income under the Status of AOP(Trust) for past several years.
8. For Assessment Year 2016-17, the Return of Income was filed vide acknowledgement number 456707481210916 on 21-09-2016 admitting income of Rs.29,51,794/-
9. The Income is computed in accordance with the provision of Section 11 and 12 of I.T Act,1961.
10. The Trust is registered u/s 12A of the IT Act, 1961 vide Letter No. V/19/67-68 dated 01-06-1968.
11. The above registration letter and also the Original Trust Deed has been lost/misplaced.
12. The Trust has requested IT Department to issue a duplicate Registration certificate as that may be available with their records. We have received a communication that there is no such provision to issue a duplicate registration certificate.
13. In view of this background and left with no alternative, we have applied for a registration u/s 12AA afresh. The application was filed on 26-02-2018.
14. Vide Order u/s 12AA(1)(b)(ii) F.No CIT(E)/Hyd/68(02)/12A/2017-18 dated 27-08-2018, the registration is denied and the application in Form 10A got rejected. The only ground of rejection is due to non-submission of certain documents/information requested for in the course of hearing could not be furnished within time allowed.

15. The application filed in Form 10A on 26-02-2018 was required to be disposed off within a period of 6 months i.e., by 31-08-2018. Since the group accountant was pre-occupied with finalization of various IT returns to filed on or before 31-08-2018 and also with the tax audits works, could not attend to and furnished the required information. As the matter was getting time barred, the application got rejected.
16. It may be noted that the rejection of registration is during the FY 2018-19 which has to take effect for Assessment Year 2019-20. The rejection order does not ispo facto applicable for Assessment Year 2016-17. Further, the rejection is operative with prospective date and not with retrospective date.
17. The Trust is therefore deemed to be a Registered Trust u/s 12A/AA for Assessment Year 2016-17 vide Letter No. V/19/67-68 dated 01-06-1968.
18. In view of the above, it is pleaded that the taxable income should be computed in accordance with the provisions u/s 11 and 12. Further, the tax liability is computed at maximum marginal rate of 30 percent instead of at applicable progressive slab rate.

Grounds of Appeal

1. The order of the learned Assessing Officer, in so far as it is prejudicial to the interest of the appellant, is against law, weight of evidence and probability of the case and the following grounds are without prejudice to each other.
2. The Assessing Officer on the facts and circumstances of the case has erred in law that order u/s 12AA dated 27-08-2018 denying the registration is applicable for Assessment Year 2016-17.
3. The Assessing Officer on the facts and circumstances of the case has erred in law in not computing the taxable income in accordance with the provision of sections 11 and 12 of IT Act, 1961.
4. The Assessing Officer on the facts and circumstances of the case has erred in law in computing the tax liability at maximum marginal rate of 30 percent instead of at applicable progressive slab rate.
5. The appellant craves leave to add, amend, alter or delete any or all the ground(s) of appeal.

HDFC BANK
We understand your world

Taxpayer's Counterfoil

Name of the Assessee	M.CXXXXI EDUCATIONAL TRUST
Complete Address	5-4-187/3 AND 4 SOHAM MANSION M.G ROAD SECUNDERABAD TELANGANA 500003

PAN	A A A T M 5 4 8 8 Q
Major Head	0021 - INCOME-TAX (OTHER THAN COMPANIES)
Minor Head	300 - SELF ASSESSMENT TAX

Description of Tax	Amount in Rupees
Basic Tax	0.00
Surcharge	0.00
Education Cess	0.00
Penalty	0.00
Others	1,000.00
Interest	0.00
TOTAL	**1,000.00**

HDFC BANK LIMITED

Challan No	280
BSR Code	0510308
Date of Receipt	10/01/2019
Challan Serial No	01312
Assessment Year	2016-17
Bank Reference	01312
Drawn On	HDFC Bank Netbanking

Rupees (In words)	INR ONE THOUSAND ONLY
CIN	05103081001190 1312
Debit Account No.	00421000056613
Payment Realization Date	10/01/2019 11:55:33

Please Save a copy of this Acknowledgement Receipt for your future reference.