

Date : 05-12-2018.

From

MC Modi Educational Trust,
5-4-187/3 & 4, 2nd Floor,
Soham Mansion,
M.G. Road,
Secunderabad - 500 003.

To

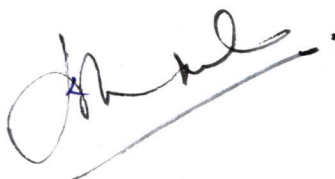
Income tax Officer
Exemption Ward 1(2),
Basheerbagh,
Hyderabad.

Sub: I.T. assessment proceedings - Own case - Assessment Year 2016-17
PAN - AAATM5488Q - reply to Show Cause Notice (SCN) - Reg.

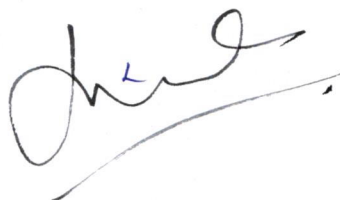
Ref: Show Cause Notice dated 30-11-2018.

In connection with the income tax assessment proceedings for Assessment Year 2016-17 we had submitted certain information as requested vide notice u/s.142(1) dated 25-10-2018. Vide above referred SCN we have been asked to Show Cause as to why the income over expenditure of R.49,49,724/- should not be brought to tax in the Status of AOP. In reply, the following is submitted for your kind consideration.

1. The Trust is established Vide Trust Deed dated 15-11-1955 and is in existence since then for almost now 60 years. The Trust had got registration under the Income tax Act, 1961 vide letter No.V/19/67-68 dated 01-06-1968. This reference number has also been mentioned in IT Returns filed year upon year for last several years.
2. On verifying our records we have found that the said letter of registration has been lost/misplaced. There has been change in auditors and whether the said letter is available or not in the records maintained by the previous auditors could also not be gathered. It is our apprehension that in weeding out old records we have lost an important document of registration as well the Original Trust Deed.
3. The above reasons we have vide our letter dated 12-06-2017 submitted on 19-06-2017 requested The Commission of Income tax (Exemptions), Hyderabad to given us duplicate certificate. (Copy of letter is enclosed **Annexure - 1.**

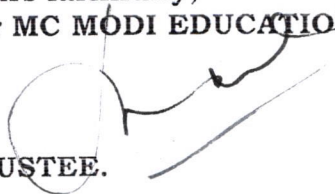


4. We have in response received a reply from the Commissioner of Income tax (Exemptions), Hyderabad Letter No.F.N.CIT(E)/HYD/Misc./12A & 80G/2017-18 dated 21-06-2017 that there is no provision for issue of duplicate certificate. Copy of letter is enclosed **Annexure - 2**.
5. Under these circumstances we have been advised to seek Registration u/s.12A. There were certain amendments to Original Trust Deed Vide Supplementary Trust Deed dated 1-4-2016.
6. Accordingly, an application seeking registration u/s.12A got filled on 26-02-2018.
7. The same got rejected by Commission of Income tax (Exemptions), Hyderabad vide Order dated 27-08-2018. The matter was getting time barred by 31-08-2018.
8. The Hon'able CIT (Exemptions) has rejected the application on the ground that the genuineness of the objects and genuineness of the activity is in doubt. This opinion of the Hon'able CIT(Exemptions) was only for the reason that Original Trust Deed /MOA and Documentary evidence like bills & vouchers was not filed Hon'ble CIT (Exemptions) had issued notice in July 2018 and August 2018. But due to work pressure of filing ITR's and completing tax audits before the original due dates of 31st July 2018 and 30th September 2018 of the group entities, the concerned group head could not attend and missed in timely compliance to notices. This non-compliance has resulted in rejection of the application.
9. Under these facts and circumstances it is pleaded that the Trust already had got itself registered way back in 1967-68 but unfortunately the registration letter got misplaced. The Trust is a genuine Trust. It is deriving its income mainly by way of rents on the properties owned by it and interest on fixed deposits with the bank.
10. The application seeking Registration u/s.12A was filed with a view to regularize the Original Registration for which the letter is lost/misplaced and no copy is available with our past records.
11. Keeping in the view the above facts and peculiar circumstances, it is pleaded that the not to tax the Trust in the Status of AOP as proposed by



you. It is further submitted that we have not misrepresented that the Trust is registered. We hope you will appreciate the situation under which the Trust has been placed due to loss of records.

**Yours faithfully,
For MC MODI EDUCATION TRUST,**


TRUSTEE.

e-Proceedings Response Acknowledgement

INCOME TAX DEPARTMENT

PROCEEDING DETAILS

PAN/TAN	AAATM5488Q
Name	M.C.MODI EDUCATIONAL TRUST
Assessment Year	2016-17
Proceeding Name	Assessment Proceeding u/s 143(3)
Document Reference ID	100000004701780
Notice Section	143(3)
Description	[ITBA]Show Cause Notice
Notice Issue Date	30-11-2018
Due Date for Submission	05-12-2018
Communication Sent date	
Document Id	ITBA/AST/F/143(3)(SCN)/2018-19/1013909115(1)

RESPONSE SUBMITTED

Response Type	Full Response
Response/Remarks	Reply to SCN dated 30.11.2018 is submitted for your kind consideration
Hash * value of remarks	FLTnnTC8qA1JPCwkLNqxG/qCrhqjMSmHtK+q17sWUcw=

Sl No.	Attachment name	Description	Others Description	Size (bytes)	Hash * value of attachment
1	MCMET-Letter-05-12-2018.pdf	Others	Reply letter dated 05.12.2018	121895	d30nfVWjAWNuGj4F7Fkj yr3IUldpvopMV4TA669y Qn8=
2	Annexure-1-letter-12-06-2017.pdf	Others	Annexure 1 referred to in Letter	42600	zMhJoUT8QT09hrxTzbr2 N1xnbfnCjtAedlhokp DBY=
3	Annexure-2-CIT-Reply-21-06-2017.pdf	Others	Annexure 2 referred to in Letter	35052	bFSlc2rLNMvYaQB6vjdO SABDIX2JdLqqHyLT03ol KMY=

This is a system generated acknowledgement and does not require signature.

* Hash : This value will uniquely identify the uploaded files and remarks.