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		आयकर आयुक्त (छूट) का कार्यालय OFFICE OF THE COMMISSIONER OF INCOME TAX(Exemptions) 2 nd Floor, Ayakar Bhawan, Basheer Bagh, हैदराबाद - ५००००४ / Hyderabad - 500 004. e-mail: hyderabad.cit.exmp@incometax.gov.in , Ph.No.040-23426031/32.
F.No		F.No.CIT(E)/Hyd/36(12)/12A/2018-19
Name of the Assessee		M.C. Modi Educational Trust
PAN		AAATM5488Q
Address		5-4-187/3 & 4, Soham Mansion, M.G.Road, Secunderabad-500003, Telangana
Date of application by the Assessee		31.12.2018
Date of Order		28.06.2019.

ORDER U/S.12AA(1)(b)(ii) OF THE INCOME TAX ACT, 1961

The assessee filed e-application in Form No.10A seeking registration u/s.12A of the Income Tax Act, 1961 ('the Act' in short) on 31.12.2018.

2. A notice dated 03.05.2019 was issued to the applicant, to the address mentioned in Form 10A, to appear and produce its original Memorandum of Association (MoA)/Trust Deed for verification and to furnish a detailed reply on specific points on 21.05.2019.

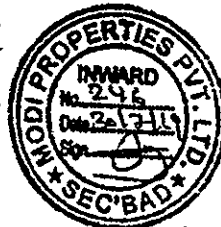
3. Invalid Trust Deed:

(a) During the course of hearing, the assessee's Authorized Representative Sri Ajay Mehta was pointed out to the scrutiny assessment order in this case for A.Y. 2016-17. He was required to explain about the deficiencies pointed out in the assessment order. The para No.8 of the said scrutiny assessment order passed by ITO (E)-2, Hyderabad is extracted as under:

"The assessee has filed a copy of an Trust Deed dated 16.11.1955 to claim that it is a valid trust. The trust deed has been perused and it an unsigned deed dated 16.11.2015. Even the witnesses have not signed the deed. In absence of original deed containing the signatures of settler and witnesses this deed cannot be accepted as valid trust deed. The deed is also not registered".

(b) The assessee stated that the original trust deed dated 15.11.1955 has been lost and that a true copy of the same is certified by Asst. Commissioner, Endowments department, Hyderabad. The said true copy was perused and the

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same was not containing the signature of settler of the trust nor signatures of the trust members nor signature of the witnesses. In these circumstances, when the signature of the settler is itself not available, the genuineness of the trust deed cannot be ascertainable. Therefore, the said document which is claimed to be the true copy of the original trust deed has no legal locus standi and cannot be considered as a valid trust deed. In these circumstances, as the formation, objects and bye-laws of the trust are not supported by a valid trust deed, the genuineness of the trust is in doubt. Hence, registration U/s.12A cannot be granted.

4. **No independent charitable activities:**

The assessee was required to submit details of beneficiaries of the activities undertaken along with evidence. The assessee submitted that the list of activities which is extracted as under:

M.C. Mohi Education Trust									
Details of Donations paid for A.Y. 14-15									
S.No.	Name	Charity No.	Bank	Date	Amount	Particulars	Mode of Payment	Receipt No.	Amount
1	Nehru Social Welfare Trust	124/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	124/NDC	1000/-
2	The International Foundation of Technology	125/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	125/NDC	1000/-
Details of Donations paid for A.Y. 15-16									
1	Shri Ram Degree College for Women	126/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	126/NDC	1000/-
2	Shri Ram Degree College for Women	127/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	127/NDC	1000/-
3	Shri Ram Degree College for Women	128/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	128/NDC	1000/-
4	Shri Ram Degree College for Women	129/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	129/NDC	1000/-
5	Nehru Social Welfare Trust	130/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	130/NDC	1000/-
Details of Donations paid for A.Y. 16-17									
1	Nehru Social Welfare Trust	131/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	131/NDC	1000/-
2	Shri Ram Degree College for Women	132/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	132/NDC	1000/-
3	Shri Ram Degree College for Women	133/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	133/NDC	1000/-
4	Shri Ram Degree College for Women	134/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	134/NDC	1000/-
5	Shri Ram Degree College for Women	135/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	135/NDC	1000/-
6	Shri Ram Degree College for Women	136/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	136/NDC	1000/-
7	Shri Ram Degree College for Women	137/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	137/NDC	1000/-
8	Shri Ram Degree College for Women	138/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	138/NDC	1000/-
9	Shri Ram Degree College for Women	139/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	139/NDC	1000/-
10	Shri Ram Degree College for Women	140/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	140/NDC	1000/-
11	Shri Ram Degree College for Women	141/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	141/NDC	1000/-
12	Shri Ram Degree College for Women	142/NDC		22-09-2014	Rs. 1000/-	Char. Sec. 12A	Bank	142/NDC	1000/-

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5. It can be seen from the above table that the assessee has not conducted any independent charitable activities. The assessee has merely made some donations to various other agencies/societies/organizations. In the three years for which the assessee submitted details of activities conducted i.e. A.Y. 2016-17, A.Y. 2017-18 and A.Y. 2018-19, it is seen that the entire amount is towards donation only without any independent charitable activity on its own. Donations have also been paid to organizations which do not have 80G namely Shadan Degree College for Women, Heal A Child Foundation and Vignan Bharathi Institute of Technology which is in violation of requirements of an organization seeking registration U/s.12A.

6. In view of all the above facts, I am of the view that the applicant is not fit for grant of registration u/s.12AA of the Act. Hence, the application in Form No.10A filed by the above applicant is hereby rejected.



To

M.C. Modi Educational Trust,
5-4-187/3 & 4,
Soham Mansion,
M.G.Road,
Secunderabad-500003,
Telangana.

Copy to:

1. The Addl. CIT (Exemptions), Hyderabad.
2. The ITO(E)-2, Hyderabad.

Sd/-

(डॉ. दीपक पी रिपोटे)

(DR. DIPAK P RIPOTE)

आयकर आयुक्त (छूट)/Commissioner of Income Tax (Exemptions)

हैदराबाद/ Hyderabad

(डॉ. दीपक पी रिपोटे)

(DR. DIPAK P RIPOTE)

आयकर आयुक्त (छूट)/Commissioner of Income Tax (Exemptions)

हैदराबाद/ Hyderabad

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