

**IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH, MUMBAI**

**BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER AND
SHRI G. M. DOSS, ACCOUNTANT MEMBER**

ITA No. 4763/Mum/2026 [Permanent Account Number : AAFCH1414H]		
Heena Sidhu Foundation For Sports 4, Gajanan Bhawan, Gajanan Colony, Goregaon (West), Mumbai - 400104	Vs.	CIT (Exemptions) Ward-1(3), Mumbai Room No. 601, Cumballa Hill, MTNL TE Building, Pedder Road, Dr. Gopalrao Deshmukh Marg, Mumbai - 400026
(अपीलार्थी/ Appellant)		(प्रत्यर्थी /Respondent)
निर्धारितीद्वारा/Assessee represented by:	None	
राजस्वद्वारा/Revenue represented by:	Shri. Rajdeep Singh, CIT-DR	

सुनवाईकीतारीख/Date of conclusion of hearing:	19.08.2026
घोषणाकीतारीख/Date of pronouncement:	30.09.2026

आदेश / ORDER

PER G.M. DOSS, ACCOUNTANT MEMBER :

This appeal has been filed by the assessee, Heena Sidhu Foundation for Sports, against the order dated 17.02.2026 passed by the learned Commissioner of Income Tax (Exemptions), Mumbai, rejecting the application filed by the assessee in Form No. 10AB seeking approval under section 80G of the Income-tax Act, 1961. The assessee has raised a ground challenging the rejection of its application for approval under section 80G of the Act.

2. None appeared on behalf of the assessee at the time of hearing. The learned Departmental Representative (Id.DR) submitted that the application seeking approval under section 80G of the Act was rejected by the learned CIT(Exemptions) on the ground that the assessee's application for registration under section 12AB of the Act had been rejected and, consequently, the condition contemplated under section 80G(5)(i) of the Act was not satisfied. It was further submitted that the issue relating to registration under section 12AB has already been considered by the Tribunal in the assessee's own case in ITA No. 4762/Mum/2026, order dated 24.07.2026, wherein the matter relating to registration under section 12AB was restored to the file of the learned CIT(Exemptions) for de novo adjudication.

3. We have considered the submissions of the Id.DR and perused the material available on record. From the order passed by the learned CIT(Exemptions) under section 80G of the Act, it is evident that the assessee had filed Form No. 10AB seeking approval under section 80G and that the application for registration under section 12AB had also been filed by the assessee on the same date. The learned CIT(Exemptions), while considering the application under section 80G, noted that the application under section 12AB had been rejected vide order dated 17.02.2026. Relying upon such rejection, the learned CIT(Exemptions) observed that the assessee did not fulfil the condition prescribed under section 80G(5)(i) of the Act and, therefore, rejected the application for approval under section 80G. Thus, the rejection of the application under section 80G was founded solely upon the rejection of the assessee's application for registration under section 12AB.

4. We further take note of the fact that, in the assessee's appeal against the order passed by the learned CIT(Exemptions) rejecting the application under section 12AB, this Tribunal, vide its order in ITA No. 4762/Mum/2026 dated 24.07.2026, considered the matter and found that the application under section 12AB had been rejected mainly on the

ground that Form No. 10AB was filed beyond the prescribed period. The Tribunal also noted that only one opportunity of hearing had been granted to the assessee and that no finding had been recorded by the learned CIT(Exemptions) with regard to the objects of the assessee or the genuineness of its activities. In the interest of substantial justice, the matter was accordingly restored to the file of the learned CIT(Exemptions) for de novo adjudication.

5. In the present case, therefore, the very basis on which the application under section 80G came to be rejected by the learned CIT(Exemptions), namely, the rejection of the assessee's application for registration under section 12AB, no longer subsists in its present form. The order rejecting the application under section 12AB has already been set aside for the purpose of de novo adjudication and the matter has been restored to the file of the learned CIT(Exemptions). Consequently, the issue relating to registration under section 12AB is once again open before the learned CIT(Exemptions) and has to be considered afresh in terms of the directions contained in the order of the Tribunal dated 24.07.2026.

6. Since the rejection of the application under section 80G was consequential to and entirely dependent upon the rejection of the application under section 12AB, and since the latter matter has now been restored to the file of the learned CIT(Exemptions) for fresh adjudication, we are of the considered view that the application under section 80G also deserves to be restored to the file of the learned CIT(Exemptions). The learned CIT(Exemptions) shall adjudicate the assessee's application under section 12AB in accordance with law and thereafter consider the assessee's application seeking approval under section 80G, keeping in view the outcome of the proceedings under section 12AB and after affording the assessee adequate opportunity of being heard. Both the matters may, to the extent permissible, be considered together so that the issue of approval under section 80G is

decided on the basis of the position finally emerging in respect of registration under section 12AB.

7. In view of the foregoing discussion and considering the fact that the sole basis for rejection of the application under section 80G has ceased to hold the field consequent upon the order of the Tribunal dated 24.07.2026 restoring the section 12AB proceedings to the file of the learned CIT(Exemptions), we restore the application of the assessee seeking approval under section 80G to the file of the learned CIT(Exemptions) for de novo adjudication. Needless to state, the learned CIT(Exemptions) shall provide reasonable opportunity of being heard to the assessee and thereafter decide the application under section 80G in accordance with law, after taking into consideration the decision rendered in the proceedings relating to registration under section 12AB.

8. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 30.09.2026.

Sd/-
CHALLA NAGENDRA PRASAD
JUDICIAL MEMBER

Sd/-
G. M. DOSS
ACCOUNTANT MEMBER

Mumbai, Dated: 30/09/2026
Aditi Pandare, PS

Copy to: The Appellant
The Respondent
The PCIT / CIT concerned
The DR, ITAT; and
Guard file.

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai