

- 1. Whether application for seeking registration u/s 12AA could be rejected on ground that no activity has been carried out by trust since its creation – Held No** - The only issue arising in the instant appeal is the validity or otherwise in law of the rejection of the assessee's application for registration u/s.12AA of the Act. The appellant-trust, formed on 05.10.2009, moved the said application with the competent authority under the Act on 19.04.2010 in the prescribed form, furnishing the details as called for from time to time. The basis of the denial of the assessee's claim by the Id. DIT(E) is that no activity had been carried out by the appellant-trust subsequent to its creation, even up to the time its' application was disposed of by it. ITAT held that no dissatisfaction with regard to the objects of the trust, which represents the other limb or aspect on which the Id. DIT(E)) is required to satisfy himself, has been expressed by him, nor any such reservation stands brought out before us during hearing. Under the circumstances, we, in view of the foregoing, are of the clear view that the denial of registration by the Id. DIT(E) is not sustainable both in law and in the facts and circumstances of the case. We, accordingly, set aside the impugned order, and direct acceptance of the assessee's application. We decide accordingly. **Matru Vandana Trust v. Director of Income-tax (Exemption)[2015] 39 ITR(T) 30 (Mumbai - Trib.).**
- 2. Whether Charitable organization can claim Depreciation as allowable, where capital expenditure for respective assets had already been allowed as deduction by way of exemption under section 11 – Held Yes** - The hon'ble court in the said case was dealing with the expenditure under section 35(2)(iv) on scientific research. The assessee had also claimed the benefit of section 32(1)(ii). The hon'ble court held that it amounts to double deduction in respect of same expenditure which is not permissible under the provisions of the Income-tax Act. In the present case, the assessee-trust is claiming depreciation on the assets owned by it. The hon'ble High Courts in various decisions have unambiguously held that in such cases, the claim of depreciation does not amount to double deduction. **Income-tax Officer v. Ramananda Adigalar Foundation [2015] 37 ITR(T) 80 (Chennai - Trib.)**