



GOVT. OF INDIA  
MINISTRY OF FINANCE  
INCOME TAX DEPARTMENT  
OFFICE OF THE COMMISSIONER OF INCOME TAX, FARIDABAD

1. File No. : CIT/FBD/Tech/12A/14-15/77/
2. Name of the applicant : Art of Charity Organization  
101-24, Personal Floor, Heritage City  
M.G. Road, Gurgaon
3. Status : Company
4. PAN : AAKCA8404B
5. Date of Order : 13.05.2014
6. Registration in category : General Public Utility

**ORDER UNDER SECTION 80G(5) OF THE I.T.ACT, 1961**

M/s Art of Charity Organization, 101-24, Personal Floor, Heritage City, M.G. Road, Gurgaon, Haryana filed an application on 12.11.2013 in form No. 10G for grant of exemption under section 80G of the Income Tax Act, 1961. The Company is already registered u/s 12A of the I.T.Act, 1961 vide CIT/Fbd./Tech./12A/2014-15/ dated 13.05.2014.

2. In order to satisfy myself regarding the objective and genuineness of activities in term of Section 80G, letter F.No CIT/FBD/Tech/80G/2013-14/7765 dated 06.03.2014 was issued to the Company and the case fixed for hearing. Ms. Vaishali Sinha, Director Founder of Company alongwith Sh. Kiran Babu, Sr. V.P. (operations) of the company attended and explained activities and objectives of the Company and filed documents in support of the case. Papers filed have been perused.

3. I am satisfied that the primary overarching objectives of the institution are acceptable as contained in III(A)(1) to (7) of the Memorandum of Association. However, the ancillary objectives for example clauses 25,26,28,29,30 of Memorandum of Association indicate that the institution can use such clauses for commercial interests. If at any time the activity under the ancillary objectives are found to override or take on the character of the primary objectives or are used to further commercial interest the A.O. will not be bound by the same and company will be liable for revocation of Registration of Company u/s 12AA(3) and loose grant of exemption u/s 80G(5) of the I.T.Act, 1961.

4. Any activity relating to overseas arrangements and recognition under foreign laws if found to be violative of the laws of India shall render Registration of Company liable for revocation of registration u/s 12AA(3) of the I.T.Act, 1961. It may be borne in mind that ancillary & incidental objects can at no point of time be in contradiction to the Primary objectives and if the institution is found to be using ancillary objectives to further commercial interests against the spirit of section 2(15) of the I.T. Act, 1961 and sections 11,12 &13 of the I.T.Act, 1961 the company will render itself liable for revocation of registration under section 12AA(3) and loose grant of exemption u/s 80G(5) of the I.T.Act, 1961. If it is found that company is merely using the provisions of section 12A & Section 80G(5) to reduce incidence of taxation rather than charitable activities, company may again render itself liable to section 12AA(3) of the I.T.Act, 1961. Accordingly approval for grant of exemption u/s 80G of the Income Tax Act, 1961 is granted subject to condition of its continuing to comply with all requirement of law in this regard.

Other than the specific conditions above, Grant of exemption is also subject to the following general conditions:-

- (i) The amendments, if any, made to the Memorandum of Association of Company should be intimated to this office, immediately.
  - (ii) The Company registration u/s 12AA (1)(b)(i) shall not indulge in any activity in the nature of trade, commerce or business, or any activity of rendering any service in relation to any trade, commerce or business, for cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity, within the meaning of proviso to section 2(15) of the I.T. Act, 1961.
  - (iii) The Company will regularly file its return of income before Income Tax Authority in accordance with the provision section 139(4A) of the Income Tax Act, 1961. The Company shall get these audited in accordance with the provisions of section 12A (b) of the activity as specified in Memorandum shall be maintained. A copy of such account shall be submitted to the assessing Officer. A public notice of the activities carried on shall be duly displaying at the Regd. Office of the Company.
  - (iv) This certificate does not confer any right/immunity in the Company to claim exception from Income Tax in its assessment. The Assessing Officer may separately and independently examine whether the company is charitable, in term of section 2(15) of the Act and whether condition laid down in section 11, 12, 12A (b) and 13 of the Income Tax, 1961 are satisfied.
4. If later, it is found that the registration was obtained fraudulently by misrepresentation or suppression of any fact, the Registration so granted is liable to be cancelled as per provisions u/s 12AA(3) and loose grant of exemption u/s 30G(5) of the Act.
  5. The exemption so granted is liable to be cancelled at any point of time, if the registration authority is satisfied that activities of the Company are not genuine or are not being carried out in accordance with the objects of the Company.
  6. This order of approval of registration will be applicable for the assessment year 2014-15 onwards.

Sd/

(Neena Kumar)

Commissioner of Income Tax, Faridabad

Copy to:

1. M/s Art of Charity Organization, 101-24, Personal Floor, Heritage City, M.G. Road, Gurgaon.
2. The Addl. Commissioner of Income Tax, Range-1, Gurgaon.
3. The Asstt. Commissioner of Income Tax, Circle-1, Gurgaon.

(S.L.Garg)

Income Tax Officer, HQ

O/o The Commissioner of Income-tax, Faridabad.