The Commissioner of Income-Tax (Exemptions) & Anr. v. M/s. Anand Social and Education Trust

ITA No. 108 of 2022 c/w ITA No. 164 of 2022

2026:KHC:40061-DB | 2026-07-29

Following lead judgment in ITA No. 112/2022 (AY 2009-10), Revenue's appeals for AY 2008-09 challenging deletion of alleged unaccounted UG/PG/COMED-K fee additions dismissed.

Income-tax Act,1961: sections 2(24)(iia), 11, 12, 260A

High Court of Karnataka at Bengaluru | 2-judge bench (Division Bench) | S.G. Pandit, J. | Dr. K. Manmadha Rao, J.

Assessment years: 2008-09

01 FACTS OF THE CASE

The Revenue filed ITA No. 108 of 2022 and ITA No. 164 of 2022 under section 260A for AY 2008-09 against the common ITAT 'C' Bench order dated 29.05.2020 (in ITA No. 2542/Bang/2017 and ITA No. 2654/Bang/2017) deleting search-assessment additions for alleged unaccounted UG/PG and COMED-K fees in the hands of M/s. Anand Social and Education Trust.

Source: PDF pp.1–5, captions and paras 1–3

02 DISCUSSION BY THE HON'BLE COURT

The Division Bench noted that by its detailed judgment dated 29.07.2026 in ITA No. 112/2022 and connected matter for AY 2009-10, it had already answered identical substantial questions of law in favour of the assessee and against the Revenue, and held that the said judgment squarely governed these appeals for AY 2008-09.

Source: PDF pp.5–6, para 4

03 JUDICIAL DECISION

In terms of the lead judgment dated 29.07.2026 in ITA No. 112/2022, Substantial Questions of Law Nos. 1 and 2 in both appeals were answered in favour of the assessee and against the Revenue, Substantial Question of Law No. 3 was left open, and both appeals were dismissed.

Source: PDF p.6, para 5

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee (M/s. Anand Social and Education Trust); Questions 1 & 2 answered for assessee, Question 3 left open, and Revenue appeals dismissed.

Source: PDF p.6, para 5

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

The follow-on order applies the lead judgment to this assessment: These separately numbered appeals concern AY 2008-09. The Court applied ITA 112/2022 and its connected appeal for AY 2009-10; it did not repeat the full evidentiary analysis in this shorter order. The common Tribunal decision does not erase the separate assessment year or dockets, and the relief should be tracked against the particular pair of appeals identified in the caption. (PDF p.6, paras 4–5)

The incorporated reasoning must be read with its evidentiary limits: The referenced lead judgment examined whether the Tribunal had considered the seized material and whether Revenue had shown perversity. This follow-on disposition should therefore be supported by that lead analysis when cited on the quality of evidence. The short order alone does not supply a fresh finding about every student, fee receipt or seized entry for this year. (PDF p.6, paras 4–5)

The express reservation prevents an overbroad exemption claim: The Court answered questions 1 and 2 for the assessee and left question 3 open. The latter question included the challenge concerning sections 11 and 12. Dismissal of Revenue's appeals should not be converted into an independent affirmative ruling on every exemption issue. In applying the result, retain both the favourable answers and the reserved question. (PDF p.6, para 5)

Source: PDF p.6, paras4–5

SOURCE & VERIFICATION

Original judgment PDF (20260729_KAHC010120212021.pdf)

All 6 original pages read and visually reviewed; SHA-256 verified. Source-based analysis, not current-law clearance.

All five panels re-reviewed against the original on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Only provisions expressly stated in this order are indexed. Subsequent treatment and current law have not been independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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