# Brahmani College v. Commissioner of Income Tax (Exemption), Hyderabad & Anr.

WP(C) No.4281 of 2026

WP(C) No. 4281 of 2026 (2026-02-19) | 2026-02-19

## Brahmani College: premature CPC intimation set aside; existing exemption claim remitted for a hearing.

10(23C)(iiiab) | 143(1) | 264

High Court of Orissa | Division Bench | Chief Justice Harish Tandon | Justice Murahari Sri Raman

Assessment years: 2023-24

### Scope of this order

Assessee obtained reconsideration with a hearing; the High Court did not finally grant or quantify the exemption.

### 01 FACTS OF THE CASE

The college claimed section 10(23C)(iiiab) exemption in AY 2023–24 ITR 7 but entered zero in Part-2B(2b). CPC sought clarification on 29 November 2024 allowing 30 days, then issued an adverse section 143(1) intimation on 23 December 2024. A section 264 application filed 21 January 2025 was rejected 27 November 2025 relying on Goetze (India).

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## 02 DISCUSSION BY THE HON'BLE COURT

The Court found the exemption claim visible at serial A17 of ITR 7 and the zero entry a human data-entry error. The revisional authority had wrongly proceeded as if no claim existed. CPC acted before its own response period expired, depriving the college of an opportunity to clarify and substantiate the claim.

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## 03 JUDICIAL DECISION

The 23 December 2024 intimation was set aside and the matter remitted to CPC for fresh consideration of the explanation after adequate opportunity to substantiate exemption. The writ and pending applications were disposed of.

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## 04 OUTCOME / IN WHOSE FAVOUR

Assessee obtained reconsideration with a hearing; the High Court did not finally grant or quantify the exemption.

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## 05 EXPERT COMMENTS

An existing claim differs from a new deduction — The finding rests on A17 showing an exemption already claimed despite the conflicting zero entry. This decision should not be presented as a universal ruling allowing every new claim without a revised return.

The promised response period mattered — The chronology shows CPC deciding on 23 December before 30 days from 29 November had elapsed. Preserve the actual communication and intimation dates rather than substituting a general complaint about lack of hearing.

Relief returns to CPC — The operative remand is to CPC to assess the explanation and evidence. It is not a direction to the revisional authority to grant exemption, and it states no invented refund amount or fixed disposal deadline.

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## SOURCE & VERIFICATION

High Court of Orissa official judgment PDF - AKHB Repository (20260219_ODHC010090672026.pdf)

Complete 4-page court PDF read for this correction.

Complete source text and every original page visually reviewed; identity and SHA-256 checked. AI-assisted source analysis.

Open cited source rendition

All 4 physical source pages read and visually inspected. SHA-256: 00bb5aed61b76ffc2467d1afb08b50b18c7aa26a2b241faaf70c2fb4871ce918.

## STATUTORY SCOPE

The note distinguishes the provisions actually considered from references appearing only in submissions or quoted earlier decisions.

## LATER TREATMENT

Source checked 2026-10-21. Subsequent judicial treatment has 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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