

# CBDT CIRCULAR FOR NPOs

◆ Legal Series Vol. XVI ◆ Issue 12

*For private circulation only*

## FURTHER EXTENSION OF DATE FOR FILING FORM 10A AND 10AB



**Standards & Norms**

Resource support on NGO Governance, Accounting and Regulations



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### CONTENTS

1.	BACKGROUND AND CONTEXT	01
2.	SUMMARY OF CIRCULAR	03
3.	ACTION POINTS IN VIEW OF CIRCULAR 7/2024	05
4.	ISSUES ARISING OUT OF THIS CIRCULAR	07
5.	ANNEXURE 1 : CIRCULAR NO. 6 OF 2023 DATED 24.05.2023	10
6.	ANNEXURE 2 : CIRCULAR NO. 7 OF 2024 DATED 25.04.2024	16

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## BACKGROUND AND CONTEXT

- 1.01** (a) As per the new registration scheme effective from 1st April, 2021, all the existing registered /approved trusts were required to apply for five year registration/approval by submitting form 10A. However, due to ignorance of the provisions and systems glitches many organisations either failed to apply for renewal or applied under wrong code or applied for provisional registration/approval.
- (b) Similarly, as per new registration/approval scheme effective from 1<sup>st</sup> April, 2021 the organisations who want to apply for first time for registration/approval has to apply for provisional registration/approval by submitting form 10A and then have to regularize the provisional registration/approval by making application in Form 10AB within the six months of commencement of activities. However again organisations failed to apply in form 10AB for converting provisional registration/approval within the specified time line or applied under wrong code.
- (c) The Central Board of Direct Taxes (CBDT) in order to provide relief to such organisations has been extending the date for applying for regularization of registration/approval under new scheme of registration and for converting provisional registration/approval to a regular registration/approval and in this series CBDT has issued yet another Circular No.7 of 2024 dated 25th April,2024 (**enclosed as Annexure 1**). In this issue, we shall discuss the action points and issues arising out of this circular.
- 1.02** ***The extensions issued by CBDT in past:*** On consideration of difficulties reported by the tax payers and other stakeholders in the electronic filing of Form No. 10A/10AB, the Central Board of Direct Taxes (the Board) in exercise of its powers u/s 119 of the Income-tax Act, 1961 (the Act) extended the due date for filing Form No.10 to 31.08.2021; by Circular No.12/2021 dated 25.06.2021 to 31.03.2022; by circular No. 16/2021 dt. 29.08.2021 to 25.11.2022; by Circular

No. 22/2022 dated 01.11.2022 and further to 30.09.2023 by Circular No. 6/2023 dated 25.05.2023 and extended the due date for filing Form No.10AB to 30.09.2022 by Circular No. 8/2022 dated 31.03.2022 and further to 30.09.2023 by Circular No. 6/2023 dated 24.05.2023.

**1.03** Circular No. 6 of 2023 dated 24th May 2023 (enclosed as **Annexure 2**) provided great relief to the trust and NGOs by extending the due date of Form 10A/10AB to 30<sup>th</sup> September, 2023 and also provided other related reliefs. However, this Circular though extended the due date of filing Form 10AB as applicable for pending registration cases u/s. 12AB or pending approval cases u/s. 10(23C) but did not cover the delay in submitting application in form 10AB for approval u/s. 80G. Moreover Circular 6 did not cover the cases of regularizing the registration under Fifth proviso of sub-section (1) of section 35 of the Act.

**1.04** As Circular 6 of 2023 did not condone the delay of filing Form 10AB for 80G approval, a number of 80G approval have been rejected all over India, resulting increased litigation and it was also not clear why Circular 6 has not included the regularisation of 80G approval.

**1.05** Recently the Madras High Court judgement in the case of Sri Nrisimha Priya Charitable Trust vide W.P. No. 27030 of 2023 dt. 02.04.2024 held that :*The clause 5(ii) of Circular No.6 of 2023 bearing F. No. 370133/06/ 2023-TPL, dated 24.05.2023 of the first respondent is declared as illegitimate, arbitrary, and ultra vires the Constitution of India and directed to consider the applications submitted by the petitioners as to the recognition/approval in respect of clause (i) of the first proviso to sub-section (5) of section 80G of the Act as within time.*

**1.06** We understand Circular 7 of 2024 has been issued to cover not only the cases for regularizing 80G approvals and registration under Fifth proviso of sub-section (1) of section 35 of the Act which were missed out in Circular 6 of 2023, but this circular 7



is a comprehensive circular to condone the delay in submitting both form 10A and 10AB and give the extended time to submit the application by 30.06.2024.

## SUMMARY OF CIRCULAR

Circular 7 has extended the due date of submitting the following applications –

### 2.01 Form 10A - by an existing registered/approved organization as on 01.04.2021.

- a. Form No. 10A, in case of an application under clause (i) of the first proviso to clause (23C) of section 10 or under sub-clause (i) of clause (ac) of sub-section (1) of section 12A or under clause (i) of the first proviso to sub-section (5) of section 80G or in case of an intimation under fifth proviso of subsection (1) of section 35 of the Act, till 30.06.2024; [refer paragraph (3 (i)) of Circular 7/2024].
- b. It is also clarified that if any existing trust, institution or fund who had failed to file Form No. 10A for A Y 2022-23 within the due date as extended by the CBDT circular no. 6/2023 dated 24.05.2023 and subsequently, applied for provisional registration as a new trust, institution or fund and has received Form No. 10AC, it can avail the option to surrender the said Form No. 10AC and apply for registration for A Y 2022-23 as an existing trust, institution or fund in Form No. 10A within the extended time provided in paragraph 3(i) i.e. 30.06.2024. [refer paragraph (5) of Circular 7/2024].

### 2.02 Form 10AB - for regularising provisional registration/approval

- a. Form No. 10AB, in case of an application under clause (iii) of the first proviso to clause (23C) of section 10 or under sub-clause (iii) of clause (ac) of sub-section (1) of section 12A or under clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, till 30.06.2024. [refer paragraph (3 (ii)) of Circular 7/2024].

- b. It may be also noted that extension of due date shall also apply in case of all pending applications under clause (iii) of the first proviso to clause (23C) of section 10 or sub-clause (iii) of clause (ac) of sub-section (1) of section 12A or under clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, as the case may be. Hence, in cases where any trust, institution or fund has already made an application in Form No. 10AB under the said provisions on or before the issuance of this Circular, and where the Principal Commissioner or Commissioner has not passed an order before the issuance of this Circular, the pending application in Form No. 10AB may be treated as a valid application. **[refer paragraph (4) of Circular 7/2024].**
- c. Further, in cases where any trust, institution or fund has already made an application in Form No. 10AB, and where the Principal Commissioner or Commissioner has passed an order rejecting such application, on or before the issuance of this Circular, solely on account of the fact that the application was furnished after the due date or that the application has been furnished under the wrong section code, it may furnish a fresh application in Form No. 10AB within the extended time provided in paragraph 3(ii) i.e. 30.06.2024. **[refer paragraph (4.1) of Circular 7/2024].**

**2.03** We also understand the following points as mentioned in Circular 6 may also equally applicable to Circular 7 :

- a. The exit tax proceedings under Section 115TD will not be applicable for all applications made in response to this circular.
- b. It is clarified that the provisional approval or provisional registration shall be effective from the assessment year relevant to the previous year in which the application is made and shall be valid for a period of three assessment years.

## ACTION POINTS IN VIEW OF THE CIRCULAR 7/2024

### 3.01 For existing organisations registered u/s. 12A/approved u/s. 10(23C)/80G / 35(1) as on 1st April,2021

#### a. Organizations who have not yet regularised their registration/approval for 5 years:

The organisations who have not yet obtained fresh registration /approval for 5 years nor have they submitted application for provisional registration/ approval, such organisation should avail the Circular 7/2024 and can apply by submitting form 10A for registration/approval for 5 years w.e.f. AY 2022-23.

#### b. Obtained the provisional registration/approval and still to get final registration/approval for 5 years:

If such existing organisation has already obtained the provisional registration/ approval and are yet to get final registration/approval for 5 years, then they can refer Point No(5) of Circular 7/2024 and can avail the option to surrender the Form No. 10AC and apply for registration effective from AY 2022-23 as an existing trust, institution or fund in Form No. 10A within the extended time i.e. 30.06.2024.

### 3.02 For Regularisation of provisional registration/approval to regular registration/ approval for 5 years :

As the Circular 6/2023 dt. 24.05.2023 has not covered the delay in submitting Form 10AB in relation to 80G approval and therefore in a number cases, approval v/s. 80G has been denied and therefore Circular 7/2024 dt. 25.04.2024 shall be more useful for those organization who are yet to regularize their 80G approval. However, this circular covers both Registration u/ s. 12AB as well as Approval u/s. 10(23C) and u/s. 80G.

**a. Form 10AB is yet to be submitted:**

The organisations who have not yet submitted Form 10AB to regularise their provisional registration/approval to regular registration/ approval for 5 years and the period of six months has already been expired from the commencement of the activities, such organisation can apply Form 10AB till 30.06.2024 [Refer point No.(3) of Circular 7/2024]

**b. Form 10AB is submitted but applications are pending with the CIT(E):**

It may also be noted that this extension of due date till 30.06.2024 shall also apply in case of all pending applications under clause (iii) of the first proviso to clause (23C) of section 10 or sub-clause (iii) of clause (ac) of sub-section (1) of section 12A or under clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, as the case may be. Hence, in cases where any trust, institution or fund has already made an application in Form No. 10AB under the said provisions on or before the issuance of this Circular, and where the Principal Commissioner or Commissioner has not passed an order before the issuance of this Circular, the pending application in Form No. 10AB may be treated as a valid application [refer paragraph (4) of Circular 7/2024]

**c. Form 10AB is submitted and order by CIT(E ) has also been passed rejecting the registration/approval on the ground of delay or selecting the wrong code:**

Further, in cases where any trust, institution or fund has already made an application in Form No.10AB, and where the Principal Commissioner of Commissioner has passed an order rejecting such application, on or before the issuance of this Circular, solely an account of the fact that the application was furnished after the due date or that the application has been furnished under the wrong section code, it may furnish a fresh application in Form No. 10AB within the extended time provided in paragraph 3(ii) i.e. 30.06.2024 [refer paragraph (4.1) of Circular 7/2024].

**ISSUES ARISING OUT OF THIS CIRCULAR:****4.01 Existing registered or approved organization as on 01.04.2021 who inadvertently obtained provisional registration/approval and then regularized their registration/approval for 5 years by submitting form 10AB:**

It is not clear whether the organisation who has already regularized their Registration/ approval by first obtaining the provisional registration/approval and then regularized their registration/approval for 5 years by submitting form 10AB, should again apply under clause (i) of the first proviso to clause (23C) of section 10 or sub clause (i) of clause (ac) of sub-section (1) of section 12A to avoid the implication of section 115TD..

Section 115TD provides that if an organization fails to make an application in accordance with the provisions of clause (i) of the first proviso to clause (23C) of section 10 or sub clause (i) of clause (ac) of sub-section (1) of section 12A within the specified timeline then such cases shall be converted into any form not eligible for registration under section 12AA or 12AB subject to Section 115TD.

Hence, in cases where the registration/approval of the existing organization has been regularized not under clause (i) of the first proviso to clause (23C) of section 10 or sub clause (i) of clause (ac) of sub-section (1) of section 12A but by first obtaining the provisional registration/approval in clause (vi) and then regularized their registration/approval for 5 years in clause (iii) by submitting form 10AB then such organisation technically may be considered to have covered under section 115TD by not submitting the application in clause (i) of the first proviso to clause (23C) of section 10 or sub clause (i) of clause (ac) of sub-section (1) of section 12A.

Though the intent of CBDT does not seem to invoke section 115TD(3)(iii) against such organisation, but it is recommended that such organisations should seek clarification from CIT(E) because the circular though cover the cases to surrender form 10AC

(provisional registration) and to apply fresh for five year but has not covered the cases where Form 10AD is required to be surrendered.

**4.02 The validity of provisional approval has already expired on 31.03.2024:**

In certain cases the validity period for 80G approval was for Asst Year 22-23 to 24-25 and therefore the provisional certificate has already been expired on 31st March, 2024. Hence the issue is whether such organisation can submit 10AB within the extended period of 30.06.2024.

In our opinion the intent of the circular is to provide extended period of relief beyond the three year, in the light of the fact that even the organisations whose registration certificate expired on 31.03.2021 have the opportunity to apply for regular registration under the new scheme. Therefore, in our opinion all such organisations shall be entitled to file Form 10AB for regularisation of 80G registration. However, such organisations should not receive 80G donations from 01.04.2024 till the approval is renewed and restored.

**4.03 Form 10AB has been submitted and also order has been passed by CIT(E) and the appeal is pending before ITAT:**

If the order has been passed by CIT(E) rejecting the application solely on the ground of delay in submission of form or application has been submitted under the wrong section code then in such cases the organization should take benefit of Circular 7 and should submit Form 10AB within 30.06.2024.

**4.04 Form 10AB has been submitted and ex-parte order has been passed by CIT(E):**

Further there are many such cases where there was a delay in filing of Form 10AB but the rejection happened on record due to non appearance before the CIT(E). In our opinion all such organisations shall be entitled to file Form 10AB and such organisations should withdraw their appeal, if any, from the ITAT after the issue of registration.

#### **4.05 Whether Circular 7 applies to new provisional registration /approval effective from 01/10/2023.**

The Circular 7 doesn't distinguish between registration scheme effective upto 30.09.2023 or effective from 01.10.2023 and shall apply in both the cases.

If the provisional registration has been applied on or after 1-10-23 and obtained lets say on 10.10.2023. The charitable activity has commenced on 15<sup>th</sup> October, 2023. Such organisations who did not submit application in Form 10AB by 15<sup>th</sup> of April, 2024 can also submit Form 10AB taking the benefit of Circular 7.

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**Annexure 1****CIRCULAR NO. 6 OF 2023 DATED 24.05.2023**

Circular No. 6 of 2023

F. No.370133/06/2023-TPL  
 Government of India  
 Ministry of Finance  
 Department of Revenue  
 Central Board of Direct Taxes  
 (TPL Division)

Dated: 24th May, 2023

**Sub: Clarification regarding provisions relating to charitable and religious trusts - reg.**

1. Income of any fund or institution or trust or any university or other educational institution or any hospital or other medical institution referred to in sub-clause (iv) or sub-clause (v) or sub-clause (vi) or sub-clause (via) of clause (23C) of section 10 of the Income-tax Act, 1961 ("the Act") or any trust or institution registered under section 12AA or section 12AB of the Act (hereinafter referred to as "the trust") is exempt subject to the fulfilment of the conditions provided under relevant sections of the Act. Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 amended the provisions related to application by a trust for registration or approval by amending the first and second proviso to clause (23C) of section 10, clause (ac) of sub-section (1) of section 12A of the Act, inserting section 12AB of the Act and amending the first and second proviso to sub-section (5) of section 80G of the Act. The amended provisions provide for the following:

- (a) All the existing trusts were required to apply for registration/approval on or before 30.06.2021. However, on consideration of difficulties in the electronic filing of Form No. 10A, the Central Board of Direct Taxes (the Board) in exercise of the powers conferred upon it under Section 119 of the Act extended the due date for filing Form No. 10A in such cases to 31.08.2021 vide Circular No.12 of 2021 dated 25.06.2021, to 31.03.2022 vide Circular No. 16 of 2021 dated 29.08.2021 and further till 25.11.22 vide Circular No. 22 of 2022 dated 01.11.2022. Such registration/approval shall be valid for a period of 5 years. Thus, existing trusts are required to apply for fresh registration/approval and once the registration/approval is granted it is valid for five years.
- (b) New trusts are required to apply for provisional registration/approval at least one month prior to the commencement of the previous year relevant to the assessment year from which the said registration/approval is sought. Such provisional registration/approval is valid for a maximum period of three years.
- (c) Provisionally registered/approved trusts will again need to apply for regular registration/approval in Form No. 10AB at least six months prior to the expiry of the period of provisional registration/approval or within six months of the commencement of activities, whichever is earlier. This registration/approval is valid for a period of five years. On consideration of



difficulties in electronic filing of Form No.10AB, the Board in exercise of its powers under section 119 of Act extended the due date for electronic filing of Form No. 10AB to 30.09.2022 vide Circular No 8 of 2022 dated 31.03.2022.

- (d) The trusts once approved/registered for five years are required to apply at least six months prior to the expiry of the period of five years.
- (e) The deduction under section 80G of the Act in respect of a donation made by a donor to a fund or institution referred to in sub-clause (iv) of clause (a) of sub-section (2) of section 80G, shall be allowed to the donor only if a statement of such donations is furnished by the donee in Form 10BD. The certificate of such donation is required to be provided in Form No. 10BE. Further, Form No. 10BD and Form No. 10BE are required to be furnished on or before the 31st May, immediately following the financial year in which the donation is received.

2. Representations received from stakeholders requesting for clarity on provisions related to trusts are dealt with as under:

**Clarification regarding application of section 115TD for failure to apply to registration/approval**

3. Finance Act, 2023 has, *inter-alia*, amended section 115TD of the Act, so as to provide that the accreted income of the trusts not applying for registration/ approval, within the specified time, shall be made liable to tax in accordance with the provisions of section 115TD of the Act. This amendment has come into effect from 01.04.2023 and therefore applies to assessment year 2023-24 and subsequent assessment years.

4. Representations have been received stating that several trusts have not been able to apply for registration/ approval within the required time due to genuine hardship. This has also led to rejection of applications simply on the ground that these were delayed. As mentioned in para 1(a) above, the last date for filing an application by the existing trusts seeking registration/ approval was extended to 25.11.2022 vide Circular No. 22 of 2022 dated 01.11.2022. Further, as stated in 1(c) above, the due date for furnishing application for registration/approval by the provisionally registered/approved trusts was extended till 30.09.2022. These trusts shall be subject to tax under section 115TD of the Act in accordance with the provisions of the said section, as amended by the Finance Act, 2023 if the application is not made by 25.11.2022 or 30.09.2022, as the case may be.

5. In order to mitigate genuine hardship in such cases, the Board, in the exercise of the power under section 119 of the Act, extends the due date of making an application in,-

- (i) Form No. 10A, in case of an application under clause (i) of the first proviso to clause (23C) of section 10 or under sub-clause (i) of clause (ac) of sub-section (1) of section 12A or under clause (i) of the first proviso to sub-section (5) of section 80G of the Act, till 30.09.2023 where the due date for making such application has expired prior to such date;

(ii) Form No. 10AB, in case of an application under clause (iii) of the first proviso to clause (23C) of section 10 or under sub-clause (iii) of clause (ac) of sub-section (1) of section 12A of the Act, till 30.09.2023 where the due date for making such application has expired prior to such date.

6. In view of the above, trusts may now apply for registration/approval under clause (i) or clause (iii) of the first proviso to clause (23C) of section 10 or sub-clause (i) or sub-clause (iii) of clause (ac) of sub-section (1) of section 12A of the Act by 30.09.2023 and where such application is made by the said date and registration/approval is granted, the provisions of clause (iii) of sub-section (3) of section 115TD of the Act shall not apply on account of delay in making application in accordance with the provisions of clause (i) or (iii) of the first proviso to clause (23C) of section 10 or sub-clause (i) or (iii) of clause (ac) of sub-section (1) of section 12A of the Act.

7. It may be also noted that the extension of due date as mentioned in paragraph 5(ii) shall also apply in case of all pending applications under clause (iii) of the first proviso to clause (23C) of section 10 or sub-clause (iii) of clause (ac) of sub-section (1) of section 12A of the Act, as the case may be. Hence, in cases where the trust has already made an application in Form No. 10AB under the said provisions but such application has been furnished after 30.09.2022 and where the Principal Commissioner or Commissioner has not passed an order before the issuance of this Circular, the pending application in Form No. 10AB may be treated as a valid application. Further, in cases where the trust had already made an application in Form No. 10AB, and where the Principal Commissioner or Commissioner has passed an order rejecting such application, on or before the issuance of this Circular, solely on account of the fact that the application was furnished after the due date, the trust may furnish a fresh application in Form No. 10AB within the extended time provided in paragraph 5(ii) i.e. 30.09.2023.

8. It is also clarified that where trusts have missed the deadline of 25.11.2022, as mentioned in para I(a) above, for making an application for registration/ approval in Form No. 10A, and have subsequently furnished Form No. 10A seeking provisional registration/approval, the relevant functionality on the e-filing portal may be used for surrendering the Form No. 10A seeking provisional registration/approval and such trusts can make a new application in Form No. 10A for registration/ approval within the extended period up to 30.09.2023, as mentioned in paragraph 5(i).

**Extension of due date for furnishing of Form No. 10BD.**

9. In view of extension provided to funds or institutions seeking approval under sub-section (5) of section 80G of the Act, as discussed in paragraph 5(i), in the exercise of the power under section 119 of the Act, the Board also extends the due date for furnishing of statement of donation in Form No.

10BD and the certificate of donation in Form No. 10BE in respect of the donations received during the financial year 2022-23 to 30.06.2023.

**Clarification regarding applicability of provisional registration**

10. Eighth proviso to clause (23C) of section 10 of the Act, *inter-alia*, provides that in the case of a trust referred to under sub-clauses (iv), (v), (vi) or (via) of clause (23C) of section 10 of the Act seeking provisional approval, such approval shall be from the assessment year immediately following the financial year in which the application is made. However, the first proviso to clause (23C) of section 10 provides that the application for provisional approval is required to be made at least one month prior to the commencement of the previous year relevant to the assessment year from which approval is sought.

11. Similarly, clause (ac) of sub-section (1) of section 12A of the Act provides that the trusts seeking provisional registration are required to make an application at least one month prior to the commencement of the previous year relevant to the assessment year from which registration is sought. However, sub-section (2) of section 12A, *inter-alia*, provides that the provisional registration shall be applicable from the assessment year immediately following the financial year in which the application for such registration is made. On the same lines, the first proviso to sub-section (5) of section 80G of the Act provides that application for provisional approval by a fund or institution is required to be made at least one month prior to the commencement of the previous year relevant to the assessment year from which approval is sought. However, the fourth proviso to sub-section (5) of section 80G, *inter-alia*, provides that the provisional approval granted under the second proviso shall be applicable from the assessment year immediately following the financial year in which the application for such registration is made.

12. With a view to bring consistency, it is hereby clarified that in case of trusts, funds or institutions seeking provisional approval or provisional registration as referred to in para 10 and 11, the said provisional approval or provisional registration shall be effective from the assessment year relevant to the previous year in which the application is made and shall be valid for a period of three assessment years subject to the provisions of clause (iii) of the first proviso to clause (23C) of section 10 or in sub-clause (iii) clause (ac) of sub-section (1) of section 12A or clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, as the case may be.

**Clarification regarding denial of exemption in case where the statement of accumulation is not filed by the due date.**

13. Finance Act, 2023 has amended sub-section (2) of section 11 of the Act to provide that statement of accumulation as referred to in clause (a) of said sub-section [ Form No. 10] is required to be furnished at least two months prior to the due date of furnishing return of income under sub-



section (1) of section 139. Similarly, the provisions of Explanation 3 to the third proviso to clause (23C) of section 10 of the Act have also been amended. Further, the due date for furnishing the option for deemed application of income in Form No. 9A under clause (2) of the Explanation 1 to sub-section (1) of section 11 of the Act has also been amended to be at least two months prior to the due date of furnishing return of income, under sub-section (1) of section 139.

14. Representations have been received that the trusts may not be able to furnish Form No. 10 and Form No. 9A before the finalisation of their computation of income. Since the computation of income is finalised at the time of furnishing of return of income, therefore, the trusts should be allowed to furnish Form No. 10 and Form No. 9A by the due date of furnishing their income tax return.

15. It is clarified that the statement of accumulation in Form No. 10 and Form No. 9A is required to be furnished at least two months prior to the due date of furnishing return of income so that it may be taken into account while auditing the books of account. However, the accumulation/deemed application shall not be denied to a trust as long as the statement of accumulation/deemed application is furnished on or before the due date of furnishing the return as provided in sub-section (1) of section 139 of the Act.

**Clarification regarding audit report to be furnished in Form No. 10B.**

16. One of the conditions required to be fulfilled by the trusts to be eligible to claim exemption, under the relevant provisions of the Act, is that where the total income of any trust, as computed under the Act, without giving effect to the provisions of section 11 and section 12 of the Act or the provisions of the sub-clauses (iv), (v), (vi) and (via) of clause (23C) of section 10 of the Act, as the case may be, exceeds the maximum amount which is not chargeable to income-tax in any previous year, it is required to get its accounts audited.

17. In order to rationalise the provisions related to audit report of trusts and in view of the significant amendments made to the taxation of trusts over the past few years, revised audit report in Form No. 10B and Form No. 10BB have been notified vide Notification No. 7 of 2023 dated 21.02.2023 so as to provide that the report of audit of the accounts of a trust, shall be furnished in –

(a) Form No. 10B where,

- (i) the total income of trust, exceeds Rs five crores during the previous year; or
- (ii) such trust has received any foreign contribution during the previous year; or
- (iii) such trust has applied any part of its income outside India during the previous year;

(b) Form No. 10BB in other cases.

18. With regard to the above it may be noted that Form No. 10B and Form No. 10BB requires the auditor to bifurcate certain payments or application in electronic modes and non-electronic modes. The


Notes to the said Forms provide that electronic modes shall be the following modes referred in rule 6ABBA of the Income-tax Rules, 1962:

- (a) Credit Card;
- (b) Debit Card;
- (c) Net Banking;
- (d) IMPS (Immediate Payment Service);
- (e) UPI (Unified Payment Interface);
- (f) RTGS (Real Time Gross Settlement);
- (g) NEFT (National Electronic Funds Transfer); and
- (h) BHIM (Bharat Interface for Money) Aadhar Pay.

19. It has been represented that the above description of electronic modes does not include account payee cheque drawn on a bank or an account payee bank draft or use of electronic clearing system through a bank account.


20. It is hereby clarified that for the purposes of Form No. 10B and Form No. 10BB electronic modes referred to in para 18 are in addition to the account payee cheque drawn on a bank or an account payee bank draft or use of electronic clearing system through a bank account.

21. Hindi version to follow.

  
24.05.23  
(Vipul Agarwal)  
Director (TPL-I), CBDT

Copy to the:

1. PS/ OSD to FM/ PS/OSD to MoS (F).
2. PS to the Finance Secretary.
3. Chairman and Members, CBDT.
4. Joint Secretaries/ CsIT/ Directors/ Deputy Secretaries/ Under Secretaries, CBDT.
5. C&AG of India (30 copies).
6. JS & Legal Adviser, Ministry of Law & Justice, New Delhi.
7. Institute of Chartered Accountants of India.
8. CIT (M&TP). Official Spokesperson of CBDT.
9. ADG (Systems) -4 for uploading on departmental website.
10. JCIT, Database Cell for uploading on irsofficeronline.gov.in.
11. All PrCCITs.

  
24.05.23  
(Vipul Agarwal)  
Director (TPL-I), CBDT

## CIRCULAR NO. 7 OF 2024 DATED 25.04.2023

Circular No. 7 /2024

F. No. 173/25/2024-ITA-I  
 Government of India  
 Ministry of Finance  
 Department of Revenue  
 Central Board of Direct Taxes

New Delhi, Dated 25<sup>th</sup> April, 2024

**Sub: Extension of due date for filing of Form No. 10A/10AB under the Income-tax Act, 1961–  
 reg.**

On consideration of difficulties reported by the taxpayers and other stakeholders in the electronic filing of Form No. 10A/10AB, the Central Board of Direct Taxes (*the Board*) in exercise of its powers under section 119 of the Income-tax Act, 1961 (*the Act*) extended the due date for filing Form No. 10A to 31.08.2021 by Circular No. 12/2021 dated 25.06.2021, to 31.03.2022 by Circular No. 16/2021 dated 29.08.2021, to 25.11.2022 by Circular No. 22/2022 dated 01.11.2022 and further to 30.09.2023 by Circular No. 6/2023 dated 24.05.2023, and extended the due date for filing Form No. 10AB to 30.09.2022 by Circular No. 8/2022 dated 31.03.2022 and further to 30.09.2023 by Circular No. 6/2023 dated 24.05.2023.

2. Representations have been received in the Board with a request to condone the delay in filing Form No. 10A/10AB, as the same could not be filed in such cases within the last extended date, i.e., 30.09.2023.

3. On consideration of the matter, with a view to avoid and mitigate genuine hardship in such cases, the Board, in exercise of the powers conferred under section 119 of the Act, hereby extends the due date of making an application/intimation electronically in –

(i) Form No. 10A, in case of an application under clause (i) of the first proviso to clause (23C) of section 10 or under sub-clause (i) of clause (ac) of sub-section (1) of section 12A or under clause (i) of the first proviso to sub-section (5) of section 80G or in case of an intimation under fifth proviso of sub-section (1) of section 35 of the Act, till 30.06.2024;

(ii) Form No. 10AB, in case of an application under clause (iii) of the first proviso to clause (23C) of section 10 or under sub-clause (iii) of clause (ac) of sub-section (1) of section 12A or under clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, till 30.06.2024.

4. It may be also noted that extension of due date as mentioned in paragraph 3(ii) shall also apply in case of all pending applications under clause (iii) of the first proviso to clause (23C) of section 10 or

Page 1 of 2



sub-clause (iii) of clause (ac) of sub-section (1) of section 12A or under clause (iii) of the first proviso to sub-section (5) of section 80G of the Act, as the case may be. Hence, in cases where any trust, institution or fund has already made an application in Form No.10AB under the said provisions on or before the issuance of this Circular, and where the Principal Commissioner or Commissioner has not passed an order before the issuance of this Circular, the pending application in Form No. 10AB may be treated as a valid application.

4.1 Further, in cases where any trust, institution or fund has already made an application in Form No. 10AB, and where the Principal Commissioner or Commissioner has passed an order rejecting such application, on or before the issuance of this Circular, solely on account of the fact that the application was furnished after the due date or that the application has been furnished under the wrong section code, it may furnish a fresh application in Form No. 10AB within the extended time provided in paragraph 3(ii) i.e. 30.06.2024.

5. It is also clarified that if any existing trust, institution or fund who had failed to file Form No. 10A for AY 2022-23 within the due date as extended by the CBDT circular no. 6/2023 dated 24.05.2023 and subsequently, applied for provisional registration as a new trust, institution or fund and has received Form No. 10AC, it can avail the option to surrender the said Form No. 10AC and apply for registration for AY 2022-23 as an existing trust, institution or fund in Form No. 10A within the extended time provided in paragraph 3(i) i.e. 30.06.2024.

6. Hindi version to follow.

*Vikas Singh*  
(Vikas Singh)  
Director (ITA-I)

Copy to:-

1. PS to FM/OSD to FM/PS to MoS (R)/OSD to MoS(R)
2. PS to Revenue Secretary
3. Chairman, CBDT & All Members, CBDT
4. All Principal Chief Commissioners of Income-tax / Principal Director Generals of Income-tax.
5. DGIT(Systems), New Delhi
6. All Joint Secretaries/CsIT, CBDT
7. Web Manager, O/o DGIT(Systems) with request to upload on the departmental website of [incometaxindia.gov.in](http://incometaxindia.gov.in).
8. Pr. Commissioner of Income-tax (Media & TP) and official Spokesperson, CBDT, New Delhi.
9. JCIT, Data-Base Cell for uploading on [irsofficeronline.gov.in](http://irsofficeronline.gov.in).
10. Guard File

*Vikas Singh*  
Director (ITA-I)