

**BOARD'S INSTRUCTION NO. 1/1148 [F.NO. 267/482/77-IT(PART)]**

**Charitable trust—Requirement of filing audit report in Form 10B—Sec. 12A(b)—Instructions regarding**

**09/02/1978**

CHARITABLE TRUSTS

SECTIONS 12A,

The Board have considered whether the requirement under s. 12A(b) of filing audit report 'along with the return of income' is mandatory so as to disentitle the trust from claiming exemption under ss. 11 and 12 in case of omission to furnish such report in the prescribed form along with the return.

Normally, it should be possible for a charitable or religious trust or institution to file the auditor's report along with the return of total income, where such trust or institution claims exemption under ss. 11 and 12. However, in cases where for reasons beyond the control of the assessee some delay has occurred in filing the said report the exemption as available to such trust under ss. 11 and 12 may not be denied merely on account of delay in furnishing the auditor's report and the ITO should record reasons for accepting a belated audit report.

SOURCE : [CBDT Bulletin Tech XXIII/582, reported in CIT vs. Rai Bahadur Bisseswarlal Motilal Malwasie Trust TC 23R.1471]