

**INCOME TAX APPELLATE TRIBUNAL  
MUMBAI 'D' BENCH, MUMBAI**

**[Coram: Justice P.P Bhatt (President)  
and Pramod Kumar (Vice President)]**

ITA No. 6055/Mum/2018  
Assessment Year: 2012-13

**Mittal Tower Premises Co-operatives Society Ltd.,** ..... **Appellant**  
*C/o. M/s. Idnani & Idnani, Advocates*  
*53A, Mittal Tower, 210, Nariman Point,*  
*Mumbai 400021 [PAN: AAAAM2052M]*

**Vs.**

**Income Tax Officer Ward 17 (2)(3)**  
**Mumbai.** ..... **Respondent**

**Appearances:**

**Salil Kapoor along with Sunil Lalchandani** *for the appellant*  
**Bharat Andhle** *for the respondent*

Date of concluding the hearing: : December 24, 2021  
Date of pronouncement : March 03, 2021

**O R D E R**

**Per Pramod Kumar, VP:**

1. By way of this appeal, the assessee appellant has challenged correctness of the order dated 21<sup>th</sup> August 2018 passed by the learned CIT(A) in the matter of assessment under section 143(3) of the Income Tax Act, 1961, for the assessment year 2014-15.

2. Grievances raised by the appellant are as follows:-

1. *That the Learned Commissioner has erroneously opined that the Appellant is not entitled to deduction of interest earned from Co-operative Banks u/s 80P.*
2. *That the Learned Commissioner has failed to appreciate that 80P(2)(d) specifically grants exemption of interest income from a co-operative society.*
3. *That the Learned Commissioner has erred in assuming that the Co-operative Banks are carrying on business, akin to Nationalised Banks and that the interest paid by them do not amount to "interest received from a Co-operative Society".*

3. Learned Representative fairly agree that this issue in appeal is squarely covered in favour of the assessee, by a co-ordinate bench decision in the case of Om Sudarshan Co-Operative Housing Society Ltd Vs ITO (ITA No. 1950/Mum/2019 order dated 29st October 2020) wherein the co-ordinate bench has, after an elaborate discussion of the legal position, concluded as follows:-

*We are of the considered view, that though the cooperative bank pursuant to the insertion of Subsection (4) of Sec. SOP would no more be entitled for claim of deduction under Sec. SOP of the Act, but however, as a co-operative bank continues to be a cooperative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being enforced in any state for the registration of co-operative societies, therefore, the interest income derived by a co-operative society from its investments held with a co-operative bank, would be entitled for claim of deduction under sec. 80P(2)(d) of the Act.*

4. We see no reasons to take any other view of the matter than the view so taken by the co-ordinate bench. Respectfully following the plea of the assessee and direct the Assessing Officer to grant deduction u/s. 80P(2)(d) in respect of interest income of Rs. 72,43,504/- earned from Co-operative banks. The assessee gets the relief accordingly.

5. In the result appeal is allowed. Pronounced in the open court today on the 03<sup>rd</sup> March, 2021.

Sd/-  
**Justice P.P Bhatt**  
(President)

Sd/-  
**Pramod Kumar**  
(Vice President)

**Mumbai, dated the 03<sup>rd</sup> day of March 2021.**

Copies to:                   (1)    *The Applicant*                   (2)    *The respondent*  
                                      (3)    *CIT*                                       (4)    *CIT(A)*  
                                      (5)    *DR*                                       (6)    *Guard File*

*By order*

*Assistant Registrar*  
*Income Tax Appellate Tribunal*  
*Mumbai benches, Mumbai*