

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.388/PUN/2022

निर्धारण वर्ष / Assessment Year : 2017-18

Ratnadeep Sahakari Nagari Patpedhi Maryadit, Near Old Naik High School, At Post Shahada, Dist. Nadurbar Maharashtra 425 409 PAN : AAALR0241E	<b>Vs.</b>	ITO, Ward - 2, Dhule
(Appellant)		Respondent)

Appellant by None  
Respondent by Shri Ramnath P. Murkude

Date of hearing 01-09-2022  
Date of pronouncement 01-09-2022

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee is directed against the order passed by the National Faceless Appeal Centre (NFAC), Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') on 26-03-2022 in relation to the assessment year 2017-18.

2. The assessee is aggrieved by the denial of deduction u/s.80P in respect of interest of Rs.9,46,230/- earned from deposits kept with nationalised banks.

3. I have heard the ld. DR and gone through the relevant material on record. There is no appearance from the side of

assessee. However, this issue is no more *res integra* by virtue of series of orders passed by the Pune Tribunal. The Pune Benches of the Tribunal in *Sureshdada Jain Nagari Sahakari Patsanstha Maryadit Vs. The Pr.CIT (ITA No.713/PUN/2016)* decided the question of availability of deduction u/s 80P on interest income by noticing that the Pune Bench in an earlier case of *Shri Laxmi Narayan Nagari Sahakari Pat Sanstha Maryadit Vs. ITO (ITA No.604/PN/2014)* has allowed similar deduction. In the said case, the Tribunal discussed the contrary views expressed by the Hon'ble Karnataka High Court in *Tumkur Merchants Souharda Credit Cooperative Ltd. Vs. ITO (2015) 230 Taxman 309 (Kar.)* allowing deduction u/s. 80P on interest income and that of the Hon'ble Delhi High Court in *Mantola Cooperative Thrift Credit Society Ltd. Vs. CIT (2014) 110 DTR 89 (Delhi)* not allowing deduction u/s.80P on interest income earned from banks. Both the Hon'ble High Courts took into consideration the *ratio* laid down in the case of *Totgar's Cooperative Sale Society Ltd. (supra)*. No direct judgment from the Hon'ble jurisdictional High Court on the point having been pointed out, the Tribunal in *Shri Laxmi Narayan Nagari Sahakari Pat Sanstha Maryadit (supra)* preferred to go with the view in favour of the assessee by

the Hon'ble Karnataka High Court in the case of *Tumkur Merchants Souharda Credit Cooperative Ltd. (supra)*. I, therefore, overturn the impugned order on this score and allow the deduction.

4. In the result, the appeal is allowed.

Order pronounced in the Open Court on 01<sup>st</sup> September, 2022.

**Sd/-**

**(R.S.SYAL)**

**उपाध्यक्ष/ VICE PRESIDENT**

पुणे Pune; दिनांक Dated : 01<sup>st</sup> September, 2022

*Satish*

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order is forwarded to :**

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The CIT(A) concerned
4. The CIT Concerned  
विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC" / DR
5. 'SMC', ITAT, Pune;
6. गार्ड फाईल / Guard file.

**आदेशानुसार/ BY ORDER,**

**// True Copy //**

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune

*ITA No. 388/PUN/2022  
Ratnadeep Sahakari Nagari  
Patpedhi Maryadit*

		Date	
1.	Draft dictated on	01-09-2022	Sr.PS
2.	Draft placed before author	01-09-2022	Sr.PS
3.	Draft proposed & placed before the second member	--	JM
4.	Draft discussed/approved by Second Member.	--	JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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