

IN THE INCOME TAX APPELLATE TRIBUNAL
SMC BENCH, PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. /ITA Nos.471 & 472/PUN/2023

निर्धारण वर्ष / Assessment Years : 2018-19 & 2020-21

Namdeo Kadam Gramin Bigar Sheti Sahakari Pat Sanstha Ltd., A/P. Anpatwadi, Tal.Koregaon, Dist. Satara – 415 002 Maharashtra PAN : AAAAN3163G	Vs.	ITO, Ward-3, Satara
Appellant		Respondent

Assessee by : Ms. Deepa Khare
Revenue by : Shri Suresh Gaikwad

Date of hearing : 17-05-2023
Date of pronouncement : 18-05-2023

आदेश / ORDER

PER R.S. SYAL, VP:

These two appeals by the assessee arise out of the *ex parte* orders dated 23-03-2023 passed by the CIT(A) in National Faceless Appeal Centre, Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to the assessment years 2018-19 & 2020-21.

2. It is seen that the assessment orders in these cases were passed u/s.143(3) of the Act disallowing the amount of deduction claimed by the assessee u/s.80P amounting to Rs.22,40,771/- and Rs.26,85,471/- towards interest income earned by the assessee from

co-operative banks. The ld. CIT(A) affirmed the view point of the AO for both the years under consideration. Aggrieved thereby, the assessee has approached the Tribunal.

3. I have heard both the sides and gone through the relevant material on record. It is seen that the issue assailed in both the appeals under consideration is of granting deduction u/s 80P of the Act on interest income earned from various cooperative banks. The extant issue is no more *res integra* in view of the catena of decisions delivered by the Pune Benches. The Pune Bench in *Rena Sahakari Sakhar Karkhana Ltd. Vs. Pr.CIT (ITA No.1249/PUN/2018)* has held, vide its order dated 07-01-2022, that though co-operative banks, other than primary agricultural credit society or a primary co-operative agricultural and rural development bank, are not eligible for deduction pursuant to insertion of section 80P(4) w.e.f. 1.4.2007, but this provision does not dent the otherwise eligibility u/s 80P(2)(d) of the Act of a co-operative society on interest income on investments/deposits parked with a co-operative bank, which is a registered co-operative society as per section 2(19) of the Act, defining co-operative society to mean a co-operative society registered under the Co-operative Societies Act, 1912 or under any law for the time being in force. The payer of interest is also a Co-

operative society registered under the Cooperative Societies Act. Respectfully following the decision of the Division Bench, I overturn the impugned orders and direct to grant deduction u/s.80P(2)(d) of the Act on the amount of interest earned from various cooperative banks.

4. In the result, both the appeals are allowed.

Order pronounced in the Open Court on 18th May, 2023.

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 18th May, 2023
सतीश

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order is forwarded to:

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The Pr.CIT concerned
4. DR, ITAT, 'SMC' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

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

		Date	
1.	Draft dictated on	17-05-2023	Sr.PS
2.	Draft placed before author	18-05-2023	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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