

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH, 'A' PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT AND
SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.524/PUN/2023

निर्धारण वर्ष / Assessment Year : 2017-18

M/s. Hingulambika Co-operative Thrift and Credit Society Limited, 966, Koteswar Krushnbai Apts, Sadashiv Peth, Pune – 411 030 Maharashtra PAN : AAAAH0361A	Vs.	Pr. CIT, Pune -4
Appellant		Respondent

Assessee by Shri Khushal V. Sheth &
Shri Deven A. Sheth
Revenue by Shri Keyur Patel, CIT-DR
Date of hearing 31-05-2023
Date of pronouncement 01-06-2023

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the assessee is directed against the order dated 28-03-2022 passed by the Pr.CIT in National Faceless Appeal Centre (NFAC) u/s.263 of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to the assessment year 2017-18.

2. The appeal is time barred by 340 days. The assessee has filed an affidavit explaining the reasons for delay. We are satisfied with the reasons so stated. The delay in filing the

appeal is, therefore, condoned and the appeal is admitted for disposal on merits.

3. Succinctly, the facts of the case are that the assessee filed its return claiming deduction u/s.80P in respect of interest income earned from the deposits kept with Cooperative Banks, which was allowed by the AO. The Id. PCIT invoked the jurisdiction u/s 263 of the Act and disputed the allowability of the claim of deduction either u/s.80P(2)(a)(i) or u/s.80P(2)(d). Aggrieved thereby, the assessee has come up in appeal before the Tribunal.

4. We have heard the rival submissions and gone through the relevant material on record. The Id. PCIT has held the assessment order to be erroneous and prejudicial to the interest of the Revenue only on the ground that the claim of deduction u/s.80P on the interest income was not in order. In this regard, it is observed 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. Similar view has been taken by the Pune Benches of the Tribunal in several cases including *The Sesa Goa Employees Coop. Credit Society Ltd. Vs. ACIT (ITA No.203/PUN/2019, order dated 16-11-2022)*.

5. In view of the foregoing discussion, we hold that the impugned order cannot be sustained. The same is, therefore, overturned.

6. In the result, the appeal is allowed.

Order pronounced in the Open Court on 01st June, 2023.

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

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

पुणे Pune; दिनांक Dated : 01st June, 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, 'A' 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	31-05-2023	Sr.PS
2.	Draft placed before author	31-05-2023	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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