

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

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.572/PUN/2023
निर्धारण वर्ष / Assessment Year : 2019-20

Parisar Nokranchi Patsanstha Maryadit, Maharashtra Pradhikaran, Colony, Sadhu Road, MIDC Circle, Nashik- 422002. PAN : AAIAP7923Q	Abhyantriki Sahakari Jivan Holaram Waswani	Vs.	DCIT, CPC, Bengaluru.
Appellant			Respondent

Assessee by : Shri Pramod Shingte
Revenue by : Shri Ganesh Rath

Date of hearing : 01.06.2023
Date of pronouncement : 02.06.2023

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of the National Faceless Appeal Centre, Delhi ['NFAC'] dated 09.02.2023 for the assessment year 2019-20.

2. Briefly, the facts of the case are that the appellant is a credit cooperative society duly incorporated under the Maharashtra Co-operative Societies Act, 1960. The Return of Income for the assessment year 2019-20 was filed on 30.11.2020 showing Rs.Nil income after claiming deduction u/s 80P(2)(a)(i) of the Income Tax Act, 1961 ('the Act'). The said return of income was processed by the CPC, Bengaluru u/s 143(1) vide intimation dated 29.01.2021, wherein, the exemption u/s 80P was denied on the ground that the return of income was not filed within due date prescribed u/s 139(1) of the Act.

3. Being aggrieved by the above intimation, an appeal was filed before the NFAC, who vide impugned order confirmed the action of the CPC, Bengaluru.

4. Being aggrieved, the appellant is in appeal before this Tribunal in the present appeal.

5. I heard the rival submissions and perused the material on record. Admittedly, in the present appeal, the return of income was filed belatedly. The issue in the present appeal is no longer *res integra* as settled by the Co-ordinate Bench of this Tribunal in the

case of Finolex Industries Ltd. Employees' Co-op. Credit Society Ltd. vs. ITO in ITA No.76/PUN/2023 for A.Y. 2019-20 dated 03.04.2023 and in the case of Shrimant Jaysingrao Ghatge Nagari Sahakari Pat Sanstha Ltd. vs. ITO in ITA No.488/PUN/2023 for A.Y. 2018-19 dated 19.05.2023. The Co-ordinate Bench of this Tribunal in the case of Shrimant Jaysingrao Ghatge Nagari Sahakari Pat Sanstha Ltd. (supra) held as follows :-

“4. I have heard both the sides and gone through the relevant material on record. The assessee's return filed u/s 139(4) of the Act was processed u/s.143(1). Here, it is relevant to mention that the Finance Act, 2021 carried out amendment to section 143(1)(a)(v) w.e.f. 01-04-2021 stipulating the deduction to be allowed only if the return was filed by the due date specified u/s.139(1) of the Act. Prior to this, there was no such requirement of filing the return u/s.139(1) so as to escape from the rigour of section 143(1)(a)(v) of the Act. The assessment year under consideration is 2018-19 and hence, the amended provision is not applicable. I, therefore, hold that though the assessee contravened section 80AC but because of the processing of the return u/s.143(1), cannot be saddled with the disallowance of deduction u/s.80P on the ground of filing of the return u/s.139(1) of the Act. Similar view has been taken by the Pune Benches of the Tribunal in Finolex Industries Ltd. Employees Co-op Credit Society Ltd. Vs. ITO (ITA No.76/PUN/2023), a copy of such order dated 03-04-2023 has been placed on record. Respectfully following the precedent, I overturn the impugned order on this issue and direct to grant the deduction u/s.80P as claimed by the assessee in the processing of the return u/s 143(1) of the Act.”

6. Respectfully following the decision of the Co-ordinate Bench of the Tribunal in the case of Shrimant Jaysingrao Ghatge Nagari Sahakari Pat Sanstha Ltd. (supra), I am of the considered opinion

that the CPC ought not to have made adjustment by disallowing the deduction u/s 80P of the Act. Accordingly, I direct the CPC to amend the intimation by allowing the deduction u/s 80P of the Act.

7. In the result, the appeal filed by the assessee stands allowed.

Order pronounced on this 02nd day of June, 2023.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 02nd June, 2023.

Sujeet

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

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