

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

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.1589/PUN/2018  
निर्धारण वर्ष / Assessment Year : 2015-16

Shashi Bhushan Majoor Sahakari Sanstha Ltd., Nehru Road, Jalna- 431203. PAN : AACAS0766J	Vs.	ITO, Ward-1, Jalna
Appellant		Respondent

आयकर अपील सं. / ITA No.10/PUN/2019  
निर्धारण वर्ष / Assessment Year : 2015-16

Ganadhiraj Mazoor Sahakari Sanstha Ltd., Nehru Road, Jalna- 431203. PAN : AABTG1196J	Vs.	ITO, Ward-1, Jalna
Appellant		Respondent

Assessee by : None  
Revenue by : Shri Rajesh Gawali

Date of hearing : 20.06.2023  
Date of pronouncement : 05.07.2023

**आदेश / ORDER**

**PER INTURI RAMA RAO, AM:**

These are the appeals filed by the two different assesseees directed against the separate orders of Id. Commissioner of Income Tax (Appeals)-1, Aurangabad ['the CIT(A)'] dated 20.07.2018 and 01.10.2018 for the assessment year 2015-16 respectively.

2. Since the identical facts and common issues are involved in both the above captioned appeals, we proceed to dispose of the same by this common order.

3. For the sake of convenience and clarity, the facts relevant to the appeal in ITA No.10/PUN/2019 for the assessment year 2015-16 are stated herein.

**ITA No.10/PUN/2019, A.Y. 2015-16 :**

4. Briefly, the facts of the case are that the appellant is a Co-operative Society registered under the Maharashtra Co-operative Societies Act, 1960. The appellant had filed the Return of Income for the assessment year 2015-16 on 26.09.2015 disclosing Rs.Nil income after claiming exemption u/s 80P(2)(a)(vi) of the Income Tax Act, 1961 ('the Act'). Against the said return of income, the assessment was completed by the Income Tax Officer, Ward-1, Jalna ('the Assessing Officer') vide order dated 20.12.2017 passed u/s 143(3) of the Act at a total income of Rs.13,86,910/-. While doing so, the Assessing Officer rejected the claim for exemption u/s 80P(2)(a)(vi) by holding that the assessee is not engaged in collective disposal of the labour of its members, as contemplated u/s 80P(2)(a)(vi), but engaged in the business of execution of civil contracts. The Assessing Officer also pointed out the defects in the

maintenance of books of account and proceeded to reject the books of account and estimated the profit @ 8% of the turnover of Rs.1,73,42,571/-.

5. Being aggrieved by the above assessment order, an appeal was filed before the ld. CIT(A), who vide impugned order confirmed the action of the Assessing Officer rejecting the contention of the appellant that the deduction u/s 80P(2)(a)(vi) was allowed by the Department for the earlier years by holding that each year is an independent and separate assessment year *res judicata* principle has no application placing reliance on the decision of the Hon'ble Supreme Court in the case of Karnani Properties Ltd. vs. CIT, 83 ITR 547 (SC) and the decision of the Hon,ble Punjab & Haryana High Court in the case of Bandi Co-operative Labour & Construction Society vs. CIT, 300 ITR 107 (P&H).

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

7. When the appeal was called on, none appeared on behalf of the assessee despite due service of notices of hearing. Therefore, we proceed to dispose of the matter on merits considering the material on record and after hearing the ld. Sr. DR.

8. The Assessing Officer had denied the exemption u/s 80P(2)(a)(vi) on the ground that the appellant was not engaged in the business of collective disposal of the labour of its members, but engaged in the business of execution of civil contracts. The Assessing Officer had come to this conclusion on analysing of the nature of expenditure debited into Profits & Loss Account as well as gross receipts credited in the Profit & Loss Account. The appellant could not controvert the findings of the Assessing Officer by leading the cogent material on record. Even before the Id. CIT(A), no such attempt was made. The grounds of appeal would reveal that no ground was taken as to how the approach of the Assessing Officer is wrong. It is merely pleaded that the appellant society should be granted exemption u/s 80P(2)(a)(vi) of the Act. Thus, I do not find any reason to interfere with the orders of the lower authorities. Accordingly, the grounds of appeal filed by the assessee stand dismissed.

9. In the result, the appeal filed by the assessee in ITA No.10/PUN/2019 for A.Y. 2015-16 stands dismissed.

**ITA No.1589/PUN/2018, A.Y. 2015-16 :**

10. Since the facts and issues involved in both the above captioned appeals of the two different assessees are identical,

therefore, our decision in ITA No.10/PUN/2019 for A.Y. 2015-16 shall apply *mutatis mutandis* to the appeal of the assessee in ITA No.1589/PUN/2018 for A.Y. 2015-16 respectively. Accordingly, the appeal of the assessee in ITA No.1589/PUN/2018 for A.Y. 2015-16 stands dismissed.

11. To sum up, both the above captioned appeals of the two different assessee stands dismissed.

Order pronounced on this 05<sup>th</sup> day of July, 2023.

Sd/-  
(INTURI RAMA RAO)  
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 05<sup>th</sup> July, 2023.

*Sujeet*

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

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

आदेशानुसार / BY ORDER,

// True Copy //

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