

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.865/PUN/2023

निर्धारण वर्ष / Assessment Year : 2012-13

Mahesh Urban Co-operative Bank Ltd., 128, Near Old Faujdar Chawadi, Shukrwar Peth, 413 002 Maharashtra PAN : AAAAM0511H	Vs.	The ACIT, Circle-1, Solapur
Appellant		Respondent

Assessee by Shri Pramod S. Shingte
Revenue by Shri Ramnath P. Murkude

Date of hearing 10-08-2023
Date of pronouncement 11-08-2023

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the assessee is directed against the order dated 08-05-2023 passed by the CIT(A) in National Faceless Appeal Centre (NFAC), Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') Act in relation to the assessment year 2012-13.

2. The only issue raised in this appeal is against the confirmation of disallowance of Rs.3,61,044/- made by the Assessing Officer (AO) u/s.40(a)(ia) of the Act on account of non-deduction of tax at

source on interest paid to certain non-members who were registered as nominal members.

3. Tersely put, the facts of the case are that the Assessing Officer made the above disallowance on the reason that the assessee failed to deduct tax at source from the payment made to non-members on interest paid/credited. The ld. CIT(A) took note of the judgment of the Hon'ble Jurisdictional High Court in *Jalgaon DCC Bank Ltd. Vs. Union of India 265 ITR 423 (Bom.)* but did not provide any relief for the reason given in para 4.2 that "The appellant has not provided any evidence during the appellate proceeding to prove that the addition relates to members (Including nominal members)." Thus, it is evident that the ld. CIT(A) accepted, in principle, that the deduction of tax at source was not warranted in respect of payment of interest to members including nominal members. He, however, did not grant the suitable relief for the failure on the part of the assessee to furnish the details of interest paid. On the contrary, the ld. AR submitted that all such details were uploaded to the ld. CIT(A), who did not take cognizance of the same. In view of these facts, we are satisfied that the interest of justice would meet adequately if the impugned order is set-aside and the matter is restored to the file of the ld. CIT(A). We order

accordingly and direct him to decide the appeal afresh after allowing a reasonable opportunity of hearing to the assessee.

4. In the result, the appeal is allowed for statistical purpose.

Order pronounced in the Open Court on 11th August, 2023.

Sd/-	Sd/-
(PARTHA SARATHI CHAUDHURY)	(R.S.SYAL)
JUDICIAL MEMBER	VICE PRESIDENT

पुणे Pune; दिनांक Dated : 11th August, 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	10-08-2023	Sr.PS
2.	Draft placed before author	10-08-2023	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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