

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE "A" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER  
AND  
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

I.T.A.No.1102/PUN./2023  
Assessment Year 2019-2020

Ahmednagar Zilha Parishad Servant's Co-op Credit Society Ltd., Tilak Road, Opp Wadia Park, Ahmednagar – 414 001. Maharashtra. PAN AAAJA0362K	vs.	The Income Tax Officer, Ward-1, Income Tax Department, Behind Natraj Hotel, Ahmednagar-414 001. Maharashtra.
(Applicant)		(Respondent)

For Assessee :	Shri Kishor B Phadke
For Revenue :	Shri Ramnath P Murkude

Date of Hearing :	10.01.2024
Date of Pronouncement :	11.01.2024

**ORDER**

**PER SATBEER SINGH GODARA, J.M. :**

This assessee's appeal for assessment year 2019-2020, arises against the National Faceless Appeal Centre [in short "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1055807404(1), dated 06.09.2023, involving proceedings u/s. 154 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. The assessee pleads the following substantive grounds in the instant appeal :

1. *“The learned CIT(A) NFAC erred in law and on facts in confirming the addition made by the Ld.CPC Bangalore u/s.80P of ITA,1961 amounting to Rs.3,10,59,747/- and determining total income at Rs.3,10,59,747/- instead of Rs. Nil, as per returned of income.*
2. *Learned CIT(A) NFAC erred in law and facts in confirming the addition made by the Ld.CPC Bangalore without appreciating the fact that the delay in filing the income tax return was on account of a factor beyond the control of the appellant.*
3. *The appellant contends that the rectification order u/s 154 of ITA,1961 passed by the Ld.AO is invalid and without appreciating the fact that there was no error or omission on the part of the appellant for late filing of income tax return.*
4. *The appellant craves leave to add, alter, clarify, explain, modify, or delete any of the grounds of appeal, and to seek any just and fair relief.”*

3. Learned counsel rises to his seniority at the Bar and submits at the outset that the assessee appears not to have been guided appropriately whilst opting for sec.154 rectification against CPC's processing dated 08.06.2022

disallowing its sec.80P deduction for want of a valid return filed within the "due date" u/sec.139(1) of the Act. Faced with the situation, he seeks to withdraw the instant appeal so as to explore all other effective remedies admissible in law; including that of filing a regular appeal before the Ld. CIT(A) u/sec.246A of the Act, against the above stated sec.143(1) processing. The Revenue is equally fair in not contesting the assessee's foregoing proposal.

4. After giving our thoughtful consideration to the foregoing developments during the course of hearing, we dismiss the assessee's instant appeal as withdrawn with liberty to take recourse to appropriate remedies under law subject to the rider that delay, if any, in course thereof shall be considered sympathetically subject to all just exceptions.

5. This assessee's appeal is dismissed as withdrawn in above terms.

Order pronounced in the open Court on 11.01.2024.

Sd/-  
[DR. DIPAK P. RIPOTE]  
ACCOUNTANT MEMBER

Sd/-  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 11<sup>th</sup> January, 2024

VBP/-

Copy to

1.	The applicant
2.	The respondent
3.	The NFAC, Delhi.
4.	The Pr. CIT, Pune concerned
5.	D.R. ITAT, "A" Bench, Pune.
6.	Guard File.

//By Order//

//True Copy //

Assistant Registrar, ITAT, Pune Benches,  
Pune.