

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "C" Bench, Mumbai.

Before Justice (Retired) C.V. Bhadang (President) & Shri B.R. Baskaran (AM)

I.T.A. No. 2407/Mum/2023 (A.Y. 2016-17)

Vishwas Nagri Sahkari Patsanstha Limited (Formerly Prerna Sahkari Patpedhi Maryadit) Flat No. 2, Plot No. 3 Sector 48, Navi Mumbai Thane Nerul Node-III S.O. 400 706. PAN : AAAAP6210E (Appellant)	Vs.	ITO, Ward-19(2)(5) Mumbai (Respondent)
---	-----	--

Assessee by	Shri Chetan Pal
Department by	Ms. Beena Santosh
Date of Hearing	23.11.2023
Date of Pronouncement	17.01.2024

ORDER

Per B.R.Baskaran (AM) :-

The assessee has filed this appeal challenging the order dated 02.05.2023 passed by the learned CIT(A), National Faceless Appeal Centre, Delhi and it relates to A.Y. 2016-17. The assessee is aggrieved by the decision of learned CIT(A) in confirming the disallowance of deduction claimed by the assessee under section 80P(2)(a)(i) of the Act.

2. We heard the parties and perused the record. The assessee has filed its return of income for the year under consideration on 29.9.2016 declaring nil income after claiming deduction under section 80P of the Act. The return of income filed by the assessee was taken up for scrutiny by the Assessing Officer. During the course of assessment proceedings, the AO asked the assessee to substantiate the deduction claimed u/s 80P of the Act. In

response thereto, the assessee submitted that it has since been merged with M/s. Vishwas Nagari Sahkari Patpedhi Maryadit, vide order dated 26.5.2017 passed by the Commissioner of Co-operation and Registrar of Co-operative Societies. The assessee further submitted that the income tax files relating to the year under consideration has been misplaced. Accordingly, the assessee did not furnish the details called for by the AO. Since the assessee did not furnish any details relating to the deduction claimed under Chapter VIA of the Act, the Assessing Officer disallowed the said claim and accordingly assessed the total income of the assessee at Rs. 1.61 crores.

3. The assessee challenged the assessment order by filing the appeal before the learned CIT(A). However, the assessee did not respond to various notices issued by the learned CIT(A). Since no detail supporting the claim made u/s 80P of the Act was filed, the learned CIT(A) dismissed the appeal of the assessee. Aggrieved, the assessee has filed this appeal before the Tribunal.

4. At the outset, we noticed that the learned CIT(A) has passed the order ex-parte, without hearing the assessee. The Learned AR submitted that the assessee could not respond to the notices issued by Ld CIT(A), since it has been merged with M/s. Vishwas Nagari Sahkari Patpedhi Maryadit and the email id registered with the Income tax department was not used. Hence, the assessee was not aware of the notices sent by the learned CIT(A).

5. In view of the above said explanation furnished by the assessee, we are of the opinion that, in the interest of natural justice, the assessee may be provided with one more opportunity to present its case properly before the learned CIT(A). Accordingly, we set aside the order passed by the learned CIT(A) and restore all the issues to his file for adjudicating them on merits, after affording adequate opportunity of being heard to the assessee. We also

direct the assessee to intimate current email id to the tax authorities including the learned CIT(A) and further fully cooperate with Ld CIT(A) for expeditious disposal of the appeal.

6. In the result, appeal filed by the assessee is treated as allowed.

Order pronounced on 17.1.2024.

Sd/-
[Justice (Rtd.) C.V. Bhadang]
President

Sd/-
(B.R. Baskaran)
Accountant Member

Mumbai.; Dated : 17/01/2024

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai

PS