

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE
[THROUGH VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.161/PUN./2024
Assessment Year 2018-2019

Shri Samarth Gramin Biagar Sheti Sahakari Patsanstha Limited, At Post Nigoje, Tal Khed, Ward-14(3), Pune – 410 501. Maharashtra. PAN AAFAS5543Q	vs.	The Income Tax Officer, Ward-8(3), Income Tax Office, Akurdi, R.S.11, Income Tax Staff Colony Road, Pradhikaran, Nigdi, Pimpri-Chinchwad, PIN – 411 044. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Pramod S Shingte
For Revenue :	Shri Basavaraj Hiremath

Date of Hearing :	08.03.2024
Date of Pronouncement :	08.03.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2018-19, arises against the Addl./JCIT(A)-4, Delhi's Din and Order No.ITBA/APL/S/250/2023-24/1058288990(1), dated 29.11.2023, involving proceedings u/s.143(1) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. It emerges during the course of hearing with the able assistance coming from both the sides that both the learned lower authorities, and more particularly, the DCIT-CPC herein, had disallowed the assessee's sec.80P deduction claim involving a sum of Rs.39,62,982/- by way of "processing" under sub-sec.(a)(v)

thereof. The Revenue could hardly dispute that such a deduction under Chapter-VIA have been made disallowable in sec.143(1)(a)(v) “processing” vide Finance Act 2021 w.e.f. 01.04.2021 without having any retrospective effect. We are in assessment year 2018-2019 only. This being the clinching factual and legal position, it is held that the impugned processing dated 03.09.2019 as upheld in the CIT(A)'s order, disallowing sec.80P claim is not sustainable in law going by stricter interpretation as per Commissioner of Customs (Imports), Mumbai vs. M/s. Dilip Kumar And Co. & Ors. [2018] 9 SCC 1 (SC) (FB). Ordered accordingly.

3. This assessee's appeal is allowed in above terms.

Order pronounced in the open Court on 08.03.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 08th March, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, “SMC” Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.