

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.77/PUN./2024
Assessment Year 2021-2022

Swa Ashokrao Bankar Nagari Sahakari Patsanstha Maryadit, SNS Kruti, At Post Pimpalgaon (B), Tal. Niphad, Dist. Nashik. Maharashtra. PIN – 422 209 PAN AAAAA2084K	vs.	The Income Tax Officer, Ward – 1(1), Aayakar Bhavan, Gadkari Chowk, Nashik. Maharashtra. PIN 422 002.
(Appellant)		(Respondent)

For Assessee :	Shri Pramod S Shingte
For Revenue :	Shri Sourabh Nayak, Addl. CIT

Date of Hearing :	14.03.2024
Date of Pronouncement :	18.03.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2021-22, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1057953010(1), dated 15.11.2023, 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's sole substantive grievance raised in the instant appeal is that both the learned lower authorities have wrongly disallowed its deduction claimed u/sec.80P(2)(e) of the Act of Rs.44,50,090/-; and the rectification order passed by the DDIT-CPC, Bengaluru dated 02.03.2023 u/sec.154 of the Act is an apparent mistake on record and in appeal, the NFAC had also not

considered the submissions of the assessee and confirmed the order of the Assessing Officer. Shri Nayak, could hardly dispute the clinching fact that the learned NFAC's order has nowhere decided the assessee's substantive grounds on merits as contemplated u/sec.250(6) of the Act requiring it to give points for determination followed by a detailed discussion thereof. Faced with this situation, I deem it appropriate in the larger interest of justice to restore the assessee's instant appeal back to the NFAC for it's afresh adjudication, preferably within three effective opportunities of hearing, subject to the rider that it shall be the taxpayer's onus and responsibility only to file and prove all the relevant facts in consequential proceedings. Ordered accordingly.

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

Order pronounced in the open Court on 18.03.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 18th 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.