

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.1449/PUN./2023 [E-APPEAL]
Assessment Year 2017-2018

Gomata Gramin Biggarsheti Sahakari Patsanstha Maryadit, Wadgao Anand Alephata, Junnar – 412 411 Maharashtra. PAN AABAG9361Q	vs.	The Income Tax Officer, Ward-5, Room No.2, Pratakhy Bhavan, Dr. Ambedkar Marg, Near Akurdi Railway Station. Pune - 411 044. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	CA Mahaveer Atal & Vinod Gandhi
For Revenue :	Shri Shashank Deogadkar

Date of Hearing :	27.03.2024
Date of Pronouncement :	16.04.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2017-18, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1057490299(1), dated 30.10.2023, involving proceedings u/s.143(3) 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. *"That on facts and circumstances of the case, the Ld. CIT(A) has erred in confirming the disallowance made by the AO in respect of deduction under section 80P of Rs.31,29,733/- so claimed by*

the Appellant merely on ground that funds are invested with PDCC and other banks.

- 2. The Ld. CIT(A) has disposed the appeal ex-parte due to non compliance to notice issued under section 250. The Appellant claims that such non compliance is merely due to mistake of the ex-counsel for which the Appellant should not be penalised in the interest of justice.*
- 3. The Ld. CIT(A) has disposed the appeal by simply relying the AO order in which the judgment of Hon'ble SC in case of Totgar's was applied without applying his independent opinion on facts of the case.*
- 4. The Appellant craves to add, delete, insert, omits any ground or part of the grounds of appeal at the time of hearing of the appeal.”*

3. There is hardly any dispute between the parties that the assessee's sole substantive grievance raised herein seeks to reverse both the learned lower authorities findings denying its sec.80P deduction claim of Rs.31,29,733/- representing interest income from investment(s) made with PDCC and other bank(s). Suffice to say, the clinching fact which has emerged during the course of hearing is that the very issue had arisen between the parties in the preceding assessment year 2010-2011 as well wherein the earlier learned coordinate bench's order in ITA.No.1606/PUN./2018 decided on 23.09.2019 had rejected the Revenue's stand regarding interest income loans "PDCC" Bank. It is made clear that there is no

distinction pin-pointed at the Revenue's side in the course of hearing. Faced with this situation, I adopt judicial consistency to accept the assessee's instant sole substantive ground. Ordered accordingly.

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

Order pronounced in the open Court on 16.04.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 16th April, 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.