

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR "SMC" BENCH : NAGOOR

[THROUGH VIRTUAL HEARING AT ITAT : PUNE]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.68/NAG./2023
Assessment Year 2018-2019

NNP Employees Cooperative Credit Society Ltd., 0-Bhiwapurkar Chambers, Yashwant Stadium, Dhantoli, Nagpur - 440 012 Maharashtra. PAN AAAAN8555E	vs.	The Income Tax Officer, Ward-4, MECL Bldg., Dr. Babasaheb Ambedkar Bhavan, Seminary Hills, Nagpur. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Abhay Agarwal, Advocate
For Revenue :	Shri Abhay Y. Marathe, Sr. DR

Date of Hearing :	26.03.2024
Date of Pronouncement :	03.05.2024

ORDER

This assessee's appeal for assessment year 2018-2019 arise against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No.ITBA/NFAC/S/250/2022-23/1049759926(1) dated 14.02.2023, involving proceedings u/s.154 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 that the assessee's sole substantive grievance raised herein challenges correctness of both the learned lower authorities action rejecting it's sec.80P deduction claim of Rs.,4,20,615/- by way of "processing" u/sec.143(1)(a)(v) of the Act for not having filed return within the "due date" as applicable u/sec.80AC of the Act.

3. It further emerges that the instant issue is no more *res integra* for the precise reason that the Finance Act, 2021 had inserted the necessary amendment to this effect in sec.143(1)(a)(v) w.e.f. 01.04.2021 carrying prospective operation only whereas we are in assessment year 2018-2019. And that this tribunal's recent coordinate bench order in ITA.No.62/NAG./2022 ITO vs. Nagpur Zilla Parishad Primary Shikshah Sahakari Sanstha Maryadit, Nagpur has rejected the Revenue's very contentions as under :

"3. Learned CIT-DR vehemently reiterated the Revenue's above extracted pleadings that the CIT(A) has erred in law and on facts in holding the assessee eligible for its sec.80P deduction despite the fact that it had not filed its return within the "due date" prescribed u/sec.139(1) of the Act. Mr. Kanojiya referred to sec.80AC (ii) that the same is in the nature of a mandatory provision which disentitles the assessee from claiming sec.80P deduction and therefore, the CPC's processing dated 29.05.2020 herein had rightly rejected the assessee's claim u/sec.143(1)(a)(v) of the Act.

4. *We find no merit in the Revenue's instant sole substantive grievance canvassed herein as sec.143(1)(a)(v); for the purpose of disallowing the impugned claim under Chapter-VIA of the Act; has been inserted by the Finance Act 2021 w.e.f. 01.04.2021 carries prospective effect only whereas the assessment year before us is assessment year 2019-2020 and that CPC's processing had rejected the assessee's claim on*

29.05.2020. That being the case, we conclude that the impugned disallowance by way of sec.143(1)(a)(v) processing is not sustainable in law. We accordingly decline the Revenue's vehement arguments seeking to revive the sec.80P disallowance herein to the tune of Rs.3,01,74,039/- in very terms. Ordered accordingly.

5. *This Revenue's appeal is dismissed in above terms."*

4. I thus adopt judicial consistency to reverse the learned lower authorities action disallowing assessee's impugned deduction claim(s) by way of sec.143(1)(a)(v) "processing" in very terms. The assessee succeeds in it's instant first and foremost legal ground thereby rendering all other pleadings as academic in nature.

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

Order pronounced in the open Court on 03.05.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 03rd May, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Nagpur concerned
4.	D.R. ITAT, "Nagpur-SMC" Bench, Nagpur.
5.	Guard File.

//By Order//

//True Copy //

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