

**IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "B", PUNE
BEFORE SHRI R. K. PANDA, VICE PRESIDENT
AND
SHRI VINAY BHAMORE, JUDICIAL MEMBER**

**ITA No.320/PUN/2024
Assessment Year : 2018-19**

Rupmata Multistate Co-operative Credit Society Ltd., 26/671/ Rupmata Pride, Samarth Nagar, Osmanabad – 413501	Vs.	ITO, Ward-1, Latur
PAN : AABAR4836R		
(Appellant)		(Respondent)

Assessee by : Shri Pratik Sandhbhor
Department by : Shri Sourabh Nayak, Addl.CIT
Date of hearing : 02-05-2024
Date of pronouncement : 07-05-2024

ORDER

PER R. K. PANDA, VP :

This appeal filed by the assessee is directed against the *ex-parte* order dated 16.10.2023 of the CIT(A) / National Faceless Appeal Centre (NFAC) relating to assessment year 2018-19.

2. There is a delay of 63 days in filing of this appeal, for which the assessee has filed a condonation application along with an affidavit explaining the reasons for such delay, according to which, the assessee could not verify the mail containing the appeal order. After considering the contents of the condonation application

filed along with affidavit and after hearing the Ld. DR, the delay in filing of the appeal is condoned and appeal is admitted for adjudication.

3. Although a number of grounds have been raised by the assessee, however, these all relate to the order of CIT(A)/NFAC in confirming the addition of Rs.59,61,016/- made by the Assessing Officer (AO) treating the same as 'Income from other sources'.

4. Facts of the case, in brief, are that the assessee is a Co-operative Credit Society and filed its return of income on 04.10.2018 declaring total income of Rs.30,87,742/-. The same was claimed as deduction under Chapter VI-A of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') and accordingly nil taxable income was declared. The case was selected for 'limited scrutiny' under the E-assessment Scheme, 2019 on the following issues:

- i. Investments/Advances/Loans*
- ii. Deduction from Total Income under Chapter VI-A*

5. The AO completed the assessment u/s 143(3) r.w.s. 143(3A) & 143(3B) of the Act determining the total income of the assessee at Rs.60,68,699/-, wherein income of Rs.1,07,683/- was determined u/s 143(1) of the Act and addition of Rs.59,61,016/- was made treating the interest earned by the assessee from investments in banks, FDs in Co-operative banks and others treating the same as 'Income from other sources'.

6. Since the assessee did not make any submission before the CIT(A) / NFAC despite number of opportunities granted, the CIT(A) / NFAC dismissed the appeal for want of prosecution. While doing so, the CIT(A) / NFAC has relied on various decisions.

7. Aggrieved with such order of CIT(A)/NFAC, the assessee is in appeal before the Tribunal.

8. The Ld. Counsel for the assessee submitted that although the CIT(A) / NFAC has issued various notices, however, due to lack of knowledge, the assessee society could not see the e-mails containing the notices, for which the appeal remained un-represented before the CIT(A) / NFAC. He submitted that in the interest of justice, the assessee should be given an opportunity to substantiate its case.

9. The Ld. DR on the other hand, referring to the order of CIT(A) / NFAC submitted that as many as seven opportunities were granted and therefore, no further opportunity should be granted to the assessee and the order of CIT(A) / NFAC should be upheld.

10. We have heard the rival arguments made by both the sides and perused the orders of the authorities below. It is an admitted fact that despite number of

opportunities granted by the Ld. CIT(A) / NFAC, the assessee did not make any submission, for which the CIT(A) / NFAC dismissed the appeal for want of prosecution. It is the submission of the Ld. Counsel for the assessee that an opportunity may be given to the assessee to substantiate its case by filing the requisite details before the CIT(A)/ NFAC. Considering the totality of the facts of the case and in the interest of justice, we deem it proper to restore the issue to the file of CIT(A) / NFAC with a direction to grant one final opportunity to the assessee to substantiate its case by filing the requisite details and decide the issue as per fact and law. The assessee is also hereby directed to submit the requisite details before the CIT(A) / NFAC on the appointed date without seeking any adjournment under any pretext, failing which the CIT(A)/NFAC is at liberty to pass appropriate order as per law. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purposes.

11. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open Court on this day of 7th May, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(R. K. PANDA)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 7th May, 2024
GCVSR

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order is forwarded to:

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The concerned Pr.CIT, Pune
4. DR, ITAT, 'B' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे
/ ITAT, Pune

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	06.05.2024		Sr. PS/PS
2	Draft placed before author	06.05.2024		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS			Sr. PS/PS
6	Kept for pronouncement on			Sr. PS/PS
7	Date of uploading of Order			Sr. PS/PS
8	File sent to Bench Clerk			Sr. PS/PS
9	Date on which the file goes to the Head Clerk			
10	Date on which file goes to the A.R.			
11	Date of Dispatch of order			