

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "F" MUMBAI**

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)  
AND  
SHRI SUNIL KUMAR SINGH (JUDICIAL MEMBER)**

**ITA No. 4467/MUM/2023  
Assessment Year: 2020-21**

Income Tax Officer,  
Room No. 410, Tower No. 6,  
4<sup>th</sup> floor, Vashi Rly. Stn. Complex,  
Navi Mumbai-400705.

**Appellant**

**Vs.** J R College EMPS Co. Op. Soc.,  
A-1, 309, Krishna Complex, LBS  
Marg, Ghatkopar (W),  
Mumbai-400086.

**PAN NO. AAAAJ 3577 G  
Respondent**

Assessee by : Mr. Tanmay Phadke  
Revenue by : Ms. Rajeshwari Menon, Sr. DR

Date of Hearing : 01/05/2024  
Date of pronouncement : 08/05/2024

**ORDER**

**PER OM PRAKASH KANT, AM**

This appeal by the Revenue is directed against order dated 23.10.2023 passed by the Ld. Commissioner of Income-tax (Appeals) – National Faceless Appeal Centre, Delhi [in short ‘the Ld. CIT(A)’] for assessment year 2020-21. The grounds raised by the Revenue are reproduced as under:

- 1. "Whether on the facts and in the circumstances of the case and in law, the Ld. CIT(A) is correct in allowing deduction of Rs. 1,46,91,094/- under section 80P of the Income tax Act, 1961 to the assessee by*



*holding that the assessee is a co-operative society and not a co-operative bank and is entitled for deduction u/s 80P of the Income Tax Act, 1961 without appreciating the fact that the assessee society is neither a primary agricultural credit society nor a primary co-operative agricultural and rural development bank and thus as per sub-section (4) of Section 80P of the Act, the assessee is not eligible for availing deduction u/s 80P(2)(a)(i) of the Act?*

2. Briefly stated facts of the case are that the Assessing Officer in assessment order passed u/s 143(3) of the Income-tax Act, 1961 (in short 'the Act') dated 19.09.2022 disallowed the claim of deduction u/s 80P(2)(i) of the Act following assessment orders in earlier assessment years including assessment year 2017-18. However, the Ld. CIT(A) deleted the said disallowance following the decision of the Co-ordinate Bench of the Tribunal in the case of Shravati Pathina Niyamita vs ITO [2022] Taxmann.com 170(Bang-Trib) and Kochi Bench of the ITAT in Ochanthuruth Service Co Operative Bank Ltd [2023] 152 taxmann.com 437 (Cochin - Trib.). Aggrieved, the Revenue is in appeal before the ITAT raising the grounds as reproduced above.

3. At the outset, the Ld. counsel for the assessee submitted that identical issue of disallowance of deduction u/s 80P of the Act has been adjudicated by the Tribunal in ITA No. 3817/M/2023 for assessment year 2017-18 in the case of the assessee. The relevant finding of the Tribunal is reproduced as under :

*"10. We note that the CIT(A) has allowed Assessee's claim for deduction of under Section 80P of the Act by placing reliance upon the judgment of the Hon'ble Supreme Court in the case of Mavilayi Service Co Operative Bank (supra) and the above decision of the Tribunal in the case of Shravati Pathina Niyamita (supra). Further, the factual finding returned by the CIT(A) to the effect that the Appellant does not hold a banking license*



*issued by Reserve Bank of India has not been controverted in the appellate proceedings before us. Accordingly, we do not find any infirmity in the order passed by the CIT(A). Ground No. 1 raised by the Revenue is, therefore, dismissed.”*

4. We have heard rival submission of the parties. As the issue in dispute of deduction u/s 80P of the Act has been held in favour of the assessee by the Co-ordinate Bench of the Tribunal (supra), therefore, respectfully following the same, we do not find any infirmity in the order of the Ld. CIT(A) on the issue in dispute. Accordingly, the sole ground raised by the Revenue is dismissed.

5. In the result, the appeal of the Revenue is dismissed.

**Order pronounced in the open Court on 08/05/2024.**

**Sd/-  
(SUNIL KUMAR SINGH)  
JUDICIAL MEMBER**

**Sd/-  
(OM PRAKASH KANT)  
ACCOUNTANT MEMBER**

Mumbai;  
Dated: 08/05/2024  
Rahul Sharma, Sr. P.S.

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,  
(Assistant Registrar)  
**ITAT, Mumbai**