

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER  
AND  
SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.635/PUN/2024  
निर्धारण वर्ष / Assessment Year : 2018-19

ITO, Ward-2, Ahmednagar.	Vs.	Deolali Pravara Vividh Karyakari Seva Sahakari Sanstha Ltd., Deolali Pravara, Tal. Rahuri, Dist. Ahmednagar- 413716. PAN : AAAAD2231R
Appellant		Respondent

Revenue by : Shri Manoj Tripathi  
Assessee by : Shri Suhas Bora

Date of hearing : 02.05.2024  
Date of pronouncement : 14.05.2024

**आदेश / ORDER**

**PER VINAY BHAMORE, JM:**

This appeal filed by the Revenue is directed against the order dated 06.02.2024 passed by Ld CIT(A)/NFAC for the assessment year 2018-19.

2. The Revenue raised the following grounds of appeal :-

- "1. On the facts and circumstances of the case and in law, the Id. CIT(A) was not justified in allowing the appeal of the assessee stating that assessment order passed by AO on 21.09.2021 for AY 2018-19 is timebarred whereas vide notification No. 74 of 2021 dated 25.06.2021 CBDT has extended time limit for completion of assessment upto 30.09.2021.*

2. *For these and such other grounds as may be urged at the time of hearing, the order of the ld. CIT(A) may be vacated and that of the AO restored.*
3. *The appellant craves to add, amend, alter or delete any of the above ground of appeal during the course of appellate proceedings before the Hon'ble Tribunal."*

3. Briefly, the facts of the case are that the respondent-assessee is a credit cooperative society engaged in the business of supplying/providing fertilizers as well as credit facilities to its members. The Return of Income for the assessment year 2018-19 was filed on 29.10.2018 declaring total income of Rs.47,49,927/- & taxable income of Rs.Nil after claiming deduction u/s 80P(2) of the IT Act. The case was selected for limited scrutiny under CASS. The Assessing Officer completed the assessment vide order dated 21.09.2021 passed u/s 143(3) r.w.s. 144B of IT Act denying the claim of exemption u/s 80P(2) as claimed by the respondent-assessee & assessed the total income of the assessee at Rs.44,64,890/-.

4. Being aggrieved with the above action of the AO, an appeal was preferred by the assessee before LD CIT(A)/NFAC, who vide impugned order dated 06-02-2024 allowed the appeal of the assessee by holding that the assessment order for Asstt Year 2018-19 was passed beyond the time limit prescribed by CBDT &

in view of this observation assessment order was quashed & the additions made were deleted.

5. Being aggrieved with the above order passed by LD CIT(A)/NFAC revenue is in appeal before this Tribunal.

6. On behalf of revenue LD DR submitted before us that LD CIT(A)/NFAC committed grave error in holding that the assessment order for Asstt Year 2018-19 passed by the AO on 21-09-2021 is time barred, whereas vide notification no 74 of 2021 dated 25-06-2021 CBDT has extended the time limit for completion of assessment upto 30-09-2021. It was therefore requested before the bench to set-a-side the order passed by LD CIT(A)/NFAC & to restore that of the AO.

7. LD AR on the other hand fairly accepted the contention of LD DR on one count that for Asstt Year 2018-19, the date to complete the assessment was not upto 30-06-2021 but was extended by CBDT upto 30-09-2021 & therefore to this extent the order of LD CIT(A)/NFAC is not correct. But the request to restore the order of the AO was strongly opposed.

8. We have heard ld. counsels from both the sides & perused the material available on record. We find that as per Notification No 74 dated 25-06-2021 the time limit to complete the assessment was further extended upto 30-09-2021. It is an admitted fact that in the

present case the assessment order was passed on 21-09-2021 i.e. within the prescribed time limit which was extended upto 30-09-2021. Therefore we hold that LD CIT(A)/NFAC was wrong to this extent in holding that the assessment order was time barred. In the light of above observation, without going into merits of the case, we set-a-side the order passed by LD CIT(A)/NFAC & remand the matter back to the file of LD CIT(A)/NFAC to pass orders a fresh on merits after providing reasonable opportunity of hearing to the assessee. Thus the grounds of appeal raised in the appeal of the revenue are allowed.

9. In the result, the appeal filed by the revenue is allowed for statistical purposes.

Order pronounced in the open Court on 14<sup>th</sup> day of May, 2024.

**Sd/-**  
**(INTURI RAMA RAO)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(VINAY BHAMORE)**  
**JUDICIAL MEMBER**

पुणे / Pune; दिनांक / Dated : 14<sup>th</sup> May, 2024.

*Sujeet*

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

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