

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'C' BENCH: CHENNAI**

श्री एबी टी. वर्की, न्यायिक सदस्य एवं  
श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष

**BEFORE SHRI ABY T. VARKEY, JUDICIAL MEMBER AND  
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.676/Chny/2024  
निर्धारण वर्ष/Assessment Year: 2018-19

AA 553 Sathymangalam – Primary Agricultural Co-op. - Credit Society Ltd., Uromaiyen Street, Northypet, Sathyamangalam, Erode-638 401.	v.	The Income Tax Officer, Ward-2(1), Erode.
[PAN: AACAA 1569 R]		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)
अपीलार्थी की ओर से/ Appellant by	:	Ms.Vijayalakshmi, CA
प्रत्यर्थी की ओर से /Respondent by	:	Mr.P. Sajit Kumar, JCIT
सुनवाईकीतारीख/Date of Hearing	:	21.05.2024
घोषणाकीतारीख /Date of Pronouncement	:	05.06.2024

**आदेश / ORDER**

**PER ABY T. VARKEY, JM:**

This is an appeal preferred by the assessee against the order of the Learned Commissioner of Income Tax (Appeals)-/NFAC, (hereinafter in short 'the Ld.CIT(A)'), Mumbai, dated 19.12.2023 for the Assessment Year (hereinafter in short 'AY') 2018-19.



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**2.** It is noted that there is 26 days delay in filing of this appeal and assessee has filed Condonation petition. Having perused the same, we are satisfied that there is a reasonable cause for delay. So, we condone the delay and proceed to adjudicate the appeal.

**3.** The main grievance of the assessee is against action of the Ld.CIT(A) confirming the disallowance of deduction claimed u/s.80P(2)(a)(i) of the Income Tax Act, 1961 (hereinafter 'the Act') amounting to Rs.14,09,241/- made by the CPC u/s.143(1) of the Act.

**4.** The brief facts of the case are that the assessee is a Primary Agricultural Co-operative Credit Society incorporated under the Tamil Nadu Co-operative Societies Act. In its return filed on 31.08.2018, it wrongly claimed deduction of Rs.14,09,241/- u/s.80P(2)(c)(ii) of the Act, instead of u/s.80P(2)(a)(i) of the Act, of Rs.14,09,241/-. Subsequently, the return was processed and intimation dated 12.07.2019 under section 143(1) was passed by CPC disallowing the claim u/s.80P of the Act, amounting to Rs.13,59,240/- (allowed only Rs.50,000/-). The disallowance was made by CPC, because, assessee claimed deduction wrongly u/s.80P(2)(c)(ii) instead of sec.80P(2)(a)(i) of the Act.



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**5.** Aggrieved the assessee preferred an appeal before the Ld.CIT(A), who dismissed the appeal, since assessee did not bother to respond to his notices on several occasions. Therefore, the Ld.CIT(A) dismissed the appeal. Aggrieved, the assessee is before us.

**6.** We have heard both parties and perused the records. We note that assessee is Primary Agricultural Co-operative Credit Society and filed return claiming deduction of Rs.14,09,241/- u/s.80P(2)(c)(ii) instead of u/s.80P(2)(a)(i) of the Act. According to the assessee, CPC without giving any show cause notice has disallowed the deduction which is against the principles of natural justice. Likewise, the Ld.CIT(A) dismissed the statutory appeal, without hearing the assessee. We note that assessee is a Primary Agricultural Co-operative Credit Society working in rural areas and are not well versed with the digital nuances & checking promptly e-mail, etc. The Ld.AR submitted that the non-compliance before the Ld.CIT(A) was unintended and was neither willful nor deliberate. Taking into consideration, the overall facts and that the Ld.CIT(A) has not passed the impugned order u/s.250(6) of the Act, we set aside the impugned order of the Ld.CIT(A) and restore the appeal back to his file with a direction to pass order in accordance to sec.250(6) of the Act, after



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hearing the assessee and the assessee is directed to file written submissions/documents to substantiate its grounds of appeal.

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

Order pronounced on the 05<sup>th</sup> day of June, 2024, in Chennai.

**Sd/-**  
(अमिताभ शुक्ला)  
**(AMITABH SHUKLA)**  
लेखा सदस्य/**ACCOUNTANT MEMBER**

**Sd/-**  
(एबी टी. वर्की)  
**(ABY T. VARKEY)**  
न्यायिक सदस्य/**JUDICIAL MEMBER**

चेन्नई/Chennai,  
दिनांक/Dated: 05<sup>th</sup> June, 2024.  
**TLN, Sr.PS**

आदेश की प्रतिलिपि अग्रेषित /**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त (अपील)/CIT(A)
4. आयकरआयुक्त/CIT, Chennai / Madurai / Salem / Coimbatore.
5. विभागीयप्रतिनिधि/DR
6. गार्डफाईल/GF