

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“B” BENCH: BANGALORE**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER  
AND  
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

ITA No.533/Bang/2024
Assessment Year: 2018-19

Shri Vishwakarma Hindulida Vargagal Vividoddesha Sahakara Sangha in Koppal Sri Vishwakarma Vividoddh Old Mtan Market, Opp. Shivaraj Printing Pre Jawahar Road, Koppal 583 231 Karnataka India  <b>PAN NO : AALAS5608N</b>	<b>Vs.</b>	ITO Ward-1 Koppal
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Appellant by</b>	:	Sri Sreehari Kutsa, A.R.
<b>Respondent by</b>	:	Sri Ganesh R. Ghale, Standing Counsel for department.

<b>Date of Hearing</b>	:	27.05.2024
<b>Date of Pronouncement</b>	:	10.06.2024

**O R D E R**

**PER SOUNDARARAJAN K., JUDICIAL MEMBER:**

This is an appeal filed by the assessee challenging the order of NFAC dated 19.2.2024 for the assessment year 2018-19 passed u/s 250 of the Income Tax Act, 1961 (in short “The Act”).

**2.** The assessee is a Co-operative society registered under the Karnataka Co-operative Societies Act and they filed the return of income on 29.3.2019 declaring a total income of Rs. Nil since the income of the society was entitled for deduction under the provision of Section 80P of the Act. The return was processed u/s 143(1) of the Act and an intimation was issued on 25.6.2019 enhancing the assessee’s total income to Rs.5,49,320/- by disallowing the

deduction claimed u/s 80P of the Act. The assessee filed an appeal before the NFAC with a delay of 98 days by submitting that the assessee was busy in filing the IT returns for the assessment year 2019-20 and therefore, they have not filed the appeal in time and prayed to condone the delay since the issue was covered in favour of the assessee. The NFAC not satisfied with the reasons stated in the delay condonation application and rejected the appeal ex-parte. As against the orders of the NFAC, the present appeal has been filed by the assessee.

**3.** The ld. A.R. has requested to grant one more opportunity to place the facts before the assessing authority since the intimation itself was not made after granting an opportunity to the assessee.

**4.** The ld. D.R. relied on the orders of the lower authorities. And prayed to dismiss the appeal.

**5.** We have heard the rival submissions and perused the materials available on record. We found that the income declared by the assessee and claimed deduction u/s 80P of the Act was not adjudicated by the ld. AO and therefore, we feel that the order of the NFAC in which the appeal has been rejected ex-parte by not condoning the delay in filing the same needs to be set aside and we remit this issue to the file of the ld. AO to decide the issue afresh after giving an opportunity of being heard to the assessee.

**6.** In the result, appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open court on 10<sup>th</sup> June, 2024

**Sd/-**  
**(Waseem Ahmed)**  
**Accountant Member**

**Sd/-**  
**(Soundararajan K.)**  
**Judicial Member**

Bangalore,  
Dated 10<sup>th</sup> June, 2024.  
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

**Asst. Registrar,  
ITAT, Bangalore.**