

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "A" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

I.T.A.No.569/PUN./2024
Assessment Year 2020-2021

Aditya Nagari Sahakari Pathsanstha Limited, Ram Ali, Shirutal, SHIRUR, Ghodnadi, Dist. Pune. PIN – 412 210 Maharashtra.	vs.	The Income Tax Officer, Ward-13(4), Aayakar Sadan, Bodhi Towers, Salisbury Park, Gultekadi, Pune. PIN – 411 037. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Abhay A Avachat
For Revenue :	Shri Arvind Desai

Date of Hearing :	12.06.2024
Date of Pronouncement :	19.06.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2020-2021, arises against National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1059645987(1), dated 12.01.2024, in proceedings u/s. 144 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. The assessee pleads the following substantive grounds in the instant appeal :

Each ground is taken without prejudice to each other.

On the facts and in the circumstances of the case and in law and

1. The learned AO has erred in not considering and in not allowing deduction under section 80P(2)(a)(i) and 80P(2)(d) of the Income Tax Act claimed by assessee and the learned CIT A erred in disallowing and confirming the same.
2. The learned AO has erred in disallowing the entire deduction claimed by assessee u/s 80P despite compliance with relevant provisions and the Id. CIT A erred in confirming the same.
3. The learned Assessing Officer has erred in making addition of Rs. 1,22,88,653/- under Section 68 as unexplained cash credit in respect of deposits from members and unsecured loans and the Id. CIT A erred in confirming the same.
4. The learned Assessing Officer has erred in making disallowance of Rs. 73,66,500/- in respect of provisions and expenses claimed by assessee u/s 37 and the Id. CIT A erred in confirming the same.
5. The learned CIT Appeals erred in dismissing assessee's the appeal without affording adequate opportunity of being heard. The appellate proceedings, thus, suffer from principles of natural justice and needs to be set aside.
6. The assessee prays before your honour to afford it and allow an opportunity of being heard in interest of natural justice and on merits of the case as well, before the CIT Appeal.
7. The assessee hereby requests for allowing any other relief as available under the law.
8. The assessee craves leave to add, alter, amend, modify, delete all or any of the grounds of appeal.

3. A perusal of case file reveals at the outset that the main reason quoted in the learned NFAC's order, for affirming the assessment findings herein *inter alia* disallowing the assessee's claim of sec.80P deduction amounting to Rs.53,16,474/- as well as making sec.68 unexplained cash credit a.dof Rs.1,22,88,653/- followed by bad debts disallowance of Rs.73,66,500/-, respectively, has been passed ex-parte and that learned DR could hardly dispute that the impugned lower appellate discussion herein has nowhere complied with the rigor of sec.250(6) of the Act requiring it

to effectively framing any points of determination followed by a detailed adjudication thereof. Faced with the situation, I deem it appropriate in the larger interest of justice to restore the assessee's instant appeal back to the CIT(A)/NFAC for its afresh adjudication, preferably within three effective opportunities of hearing, subject to the rider that it shall be the taxpayer's onus and responsibility only to file and prove all the relevant facts in consequential proceedings. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open Court on 19.06.2024.

Sd/-
[DR. DIPAK P. RIPOTE]
ACCOUNTANT MEMBER

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 19th June, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "A" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.