

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'SMC' BENCH  
MUMBAI**

**BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER  
&  
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER**

**ITA No.1056/MUM/2024  
(Assessment Year : 2021-22)**

Swapnashilp Co-Op Hsg Society Limited B/33 Swapnashilp Co- op HSG SOC, CTS no. 926 Plot No. 52 MAH Vile Parle (East) Mumbai - 400057	Vs.	ADDL/JCIT (A)-2 Jaipur Income Tax Jaipur JTO-41(1)(1) Kautilya Bhavan Bandra (E) Mumbai - 400051
<b>PAN/GIR No.AACAS9863Q</b>		
<b>(Appellant)</b>	..	<b>(Respondent)</b>

Assessee by	Shri Raturaj Gurjar
Revenue by	Ms. Kakoli Ghosh
<b>Date of Hearing</b>	<b>27/06/2024</b>
<b>Date of Pronouncement</b>	<b>28/06/2024</b>

**आदेश / O R D E R**

**PER AMIT SHUKLA (J.M):**

The aforesaid appeal has been filed by the assessee against order dated 14/02/2024 passed by Addl / JCIT-2, Jaipur for A.Y.2021-22 with regard to disallowance of interest of Rs.6,05,088 made u/s.143(1) for disallowance of deduction u/s.80P.

2. The assessee had filed its return of income on 15/03/2022 declaring income of Rs.50,620/- after claiming deduction of Rs.6,05,088 u/s.80P(2)(d) which was on account of interest income earned in respect of fixed deposits kept in banks. Since assessee is a co-operative housing society governed by Maharashtra Societies Act 1960, it is required to get its account audited and to furnish the audit report before the due date for A.Y.2021-22. The due date for filing of return was upto 15/03/2022 and assessee had filed the return of income and audit report on the due date. Thus, there was no question of any disallowance u/s.143(1)(a) on account of claim of deduction u/s.80P(2)(d).

3. The ld. CIT(A) has dismissed the appeal on the ground that there is a delay in filing of appeal as intimation was processed on 19/10/2022 and the appeal was filed on 05/02/2023. Before the ld. CIT(A) it was stated that if the marginal delay was on account of the fact that Chartered Accountant appointed by the society had Angioplasty who was recovering from the same and could not attend the office for a long time. Such a marginal delay on account of this fact should have been treated to be a reasonable cause. Accordingly, we hold that ld. CIT(A) was not justified in dismissing the appeal on account of delay. Since we have already held that prima facie adjustment itself was invalid, therefore, the adjustment made by the ld. AO is deleted.

**4. In the result, appeal of the assessee is allowed.**

Order pronounced on 28<sup>th</sup> Jun, 2024.

**Sd/-**  
**(RATNESH NANDAN SAHAY)**  
**ACCOUNTANT MEMBER**

Mumbai; Dated 28/06/2024  
KARUNA, *sr.ps*

**Sd/-**  
**(AMIT SHUKLA)**  
**JUDICIAL MEMBER**

**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,

(Asstt. Registrar)  
**ITAT, Mumbai**