

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

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

**ITA No.637/MUM/2024
(Assessment Year :2019-20)**

Twinstar Jupiter Coop Housing Society Ltd 41 Jupiter Apartment, Cuffe Parade, Mumbai - 400005	Vs.	ITO Ward 30(1)(1) Kautilya Bhavan, Bandra Kurla Complex, Bandra (East), Mumbai - 400051
PAN/GIR No. AAABT0015E		
(Appellant)	..	(Respondent)

Assessee by	Shri Ashok Patil
Revenue by	Ms. Kakoli Ghosh
Date of Hearing	25/06/2024
Date of Pronouncement	28/06/2024

आदेश / O R D E R

PER AMIT SHUKLA (J.M):

The aforesaid appeal has been filed by the assessee against order dated 15/12/2023 passed by Additional /JCIT(A)-4, Delhi in relation to the adjustment made u/s.143(1) for disallowing the claim of deduction u/s.80P(2)(d) of Rs.9,30,956/- and Rs.50,000/- u/s. 80P(2)(c).

2. The assessee has filed its return of income on 18/09/2019 and due date for filing of return of income

u/s.139(1) in the case of audited accounts was on 30/09/2019. The assessee being a co-operative housing society, its accounts has to be necessarily audited u/s. 81 of Maharashtra Co-operative Housing Societies Act, 1960. Thus, return of income filed by the assessee was within due date as the due date of return of income was on or before 30/09/2019, which was the due date u/s.139(1). The CPC has made the adjustment disallowing the claim u/s.80P on the ground that return has been filed beyond the due date. Prior to the amendment made by the Finance Act 2021 w.e.f. A.Y. 2021-22, there was no scope for making any adjustment u/s.143(1)(a) except for the claim of deduction claimed u/s. u/s.10AA, 80AIA, 80IAB, 80IB, 80IC, 80ID or Section 80IE. There was no such provision to disallow the claim of deduction u/s.80IP. Further, even after the amendment such an adjustment can be made, only if return has been filed beyond the due date, which is not the case here. Accordingly, the adjustment of 80P(2)(d) made by the CPC and as confirmed by the First Appellate Authority is deleted.

3. In the result, appeal of the assessee is allowed.

Order pronounced on 28th Jun, 2024.

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

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

*ITA No.637/MUM/2024
Twinstar Jupiter Coop
Housing Society Ltd*

Mumbai; Dated 28/06/2024

KARUNA, *sr.ps*

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