

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

**BEFORE SHRI GEORGE GEORGE K., VICE PRESIDENT**

ITA No.539/Bang/2024
Assessment Year: 2020-21

Shri Siddeshwar Co-operative Credit Society Limited 4, Shaji Galli Muchandi Karnataka 590 016  <b>PAN NO.AADAS2482A</b>	<b>Vs.</b>	ITO Ward-1 Belgaum
<b>ASSESSEE</b>		<b>RESPONDENT</b>

<b>Assessee by</b>	:	Shri Praveen P. Ghali, A.R.
<b>Revenue by</b>	:	Shri Ganesh R. Ghale, Standing Counsel for Revenue.

<b>Date of Hearing</b>	:	14.08.2024
<b>Date of Pronouncement</b>	:	14.08.2024

**O R D E R**

**PER GEORGE GEORGE K., VICE PRESIDENT:**

This appeal at the instance of assessee is directed against Addl./JCIT(A)-1, Pune dated 15.2.2024 for the assessment year 2020-21 passed u/s 250 of the Income Tax Act, 1961 (in short “The Act”).

**2.** Brief facts of the case are that assessee is a Co-operative Credit Society. For the assessment year 2020-21, return of income was filed on 18.12.2020 declaring an income of Rs.3,24,720/- after claiming deduction u/s 80P of the Act. The intimation u/s 143(1) of the Act was passed by the CPC on 25.11.2021 raising a demand of Rs.3,27,780/-. The CPC had partly denied the claim of deduction u/s 80P of the Act.

**3.** Aggrieved, by the said intimation, passed u/s 143(1) of the Act, assessee filed an appeal before the first appellate authority. There was a delay of 504 days in filing the appeal before the first appellate authority. The assessee's appeal was dismissed by the first appellate authority in limine without condoning the aforesaid delay.

**4.** Aggrieved by the impugned order of the ld. CIT(A), assessee has filed the present appeal before the Tribunal. The ld. A.R. submitted that assessee had made a mistake in filing the appeal before the first appellate authorities as against the intimation passed u/s 143(1) of the Act. It was submitted by the ld. A.R. that assessee had preferred rectification u/s 154 of the Act against the intimation passed u/s 143(1) of the Act and the last rectification order is dated 3.3.2023. It was submitted that the assessee ought to have filed an appeal as against the order passed u/s 154 of the Act dated 3.3.2023 and requested that this appeal may be dismissed as withdrawn with liberty to file a fresh appeal before the ld. CIT(A) as against the rectification order passed u/s 154 of the Act. On merits, the ld. A.R. submitted that the assessee had received the interest income from the Co-operative society and even if the claim of deduction has been made in the return of income made u/s 80P(2)(a)(i) of the Act, the revenue was duty bound to allow the deduction u/s 80P(2)(d) of the Act.

**5.** The ld. Standing counsel supported the order of the ld. CIT(A).

**6.** I heard the rival submissions and perused the materials available on record. The ld. A.R. had submitted that assessee had made a mistake in filing the appeal before the first appellate authority as against the intimation issued u/s 143(1) of the Act instead of the rectification order dated 3.3.2023. Accordingly, as per the prayer of the ld. A.R., this appeal is dismissed as withdrawn with the liberty to

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the assessee to file fresh appeal before the first appellate authority as against the order passed u/s 154 of the Act. It is ordered accordingly.

**7.** In the result, appeal filed by the assessee is dismissed.

Order pronounced in the open court on 14<sup>th</sup> Aug, 2024

**Sd/-**  
**(George George K.)**  
**Vice President**

Bangalore,  
Dated 14<sup>th</sup> Aug, 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.**