

**IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, COCHIN**

Before Shri Satbeer Singh Godara, Judicial Member and  
Shri Amarjit Singh, Judicial Member

**ITA No. 845/Coch/2023**  
(Assessment Year: 2019-20)

Kodanchery Panchayath Vanitha Co-op. Society Ltd. Kodanchery P.O. Kozhikode 673580 [PAN: AADAK5584]	vs.	The Income Tax Officer - 2(3) Aayakar Bhavan Mananchira Kozhikode 673001
(Appellant)		(Respondent)

Appellant by:	Shri Johnson George, CA
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	13.08.2024
Date of Pronouncement:	25.09.2024

**ORDER**

Per Bench

This assessee's appeal for A.Y. 2019-20 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/ NFAC/S/250/2023-24/1058297939(1) dated 29.11.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Heard Both the parties. Case file perused.

2. It emerges during the course of hearing at the outset that there is hardly any need for us to delve with the relevant factual matrix at length once it has come on record that both the learned lower authorities, more particularly, Assessing Officer [DCIT-CPC, Bangalore], have disallowed the assessee's sec.80P deduction claim

involving “processing” u/sec.143(1)(a)(v) of the Act. This is for the precise reason that the Finance Act, 2021 had in fact inserted the necessary amendment to this effect w.e.f. 01.04.2021 carrying prospective operation only whereas we are in assessment year 2018-2019.

3. This tribunal’s recent coordinate bench order in ITA.No.62/NAG/2022 ITO vs. Nagpur Zilla Parishad Primary Shikshah Sahakari Sanstha Maryadit, Nagpur has rejected the Revenue’s very contentions as under :

*“3. Learned CIT-DR vehemently reiterated the Revenue’s above extracted pleadings that the CIT(A) has erred in law and on facts in holding the assessee eligible for it’s sec.80P deduction despite the fact that it had not filed it’s return within the “due date” prescribed u/sec.139(1) of the Act. Mr. Kanojiya referred to sec.80AC (ii) that the same is in the nature of a mandatory provision which disentitles the assessee from claiming sec.80P deduction and therefore, the CPC’s processing dated 29.05.2020 herein had rightly rejected the assessee’s claim u/sec.143(1)(a)(v) of the Act.*

*4. We find no merit in the Revenue’s instant sole substantive grievance canvassed herein as sec.143(1)(a)(v); for the purpose of disallowing the impugned claim under Chapter-VIA of the Act; has been inserted by the Finance Act 2021 w.e.f. 01.04.2021 carries prospective effect only whereas the assessment year before us is assessment year 2019-2020 and that CPC’s processing had rejected the assessee’s claim on 29.05.2020. That being the case, we conclude that the impugned disallowance by way of sec.143(1)(a)(v) processing is not sustainable in law. We accordingly decline the Revenue’s vehement arguments seeking to revive the sec.80P disallowance herein to the tune of Rs.3,01,74,039/- in very terms. Ordered accordingly.*

*5. This Revenue’s appeal is dismissed in above terms.”*

4. We thus adopt judicial consistency to reverse the learned lower authorities action disallowing assessee’s impugned deduction claim(s) by way of sec.143(1)(a)(v) processing in very terms. The assessee succeeds in it’s instant first

and foremost legal ground thereby rendering all other pleadings as academic in nature.

5. This assessee's appeal is allowed in above terms.

Order pronounced on 25<sup>th</sup> September, 2024 under Rule 34 of The Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-  
(Amarjit Singh)  
Accountant Member

Sd/-  
(Satbeer Singh Godara)  
Judicial Member

Cochin, Dated: 25<sup>th</sup> September, 2024

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar  
ITAT, Cochin