

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

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

**ITA Nos. 391 & 392/Coch/2023**  
(Assessment Years: 2016-17)

Kunnathunad Service Co-op. Bank Ltd. 114/12, Kunnathunad Unit Perumbavoor 683565 [PAN: AABAK4256C]	vs.	The Income Tax Officer Ward - 2, Aluva 683101
(Appellant)		(Respondent)

Appellant by:	----- None -----
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	12.08.2024
Date of Pronouncement:	25.09.2024

**ORDER**

Per Bench

These assessee's twin appeals arise against the orders of the National Faceless Appeal Centre, Delhi [CIT(A)] in proceedings u/s.271B and 271F of the Income Tax Act, 1961 (the Act) as below: -

Sr. No.	ITA No.	AY	DIN & Order No.	Date
1	391/Coch/2023	2016-17	ITBA/NFAC/S/250/2022-23/1051193494(1)	23.03.2023
2	392/Coch/2023	2016-17	ITBA/NFAC/S/250/2022-23/1051193560(1)	23.03.2023

Cases called twice. None appears at assessee's behest. It is accordingly proceeded ex-parte.

2. We advert to the assessee's former appeal ITA No. 391/Coch/2023 seeks to reverse both the learned lower authorities action levying section 271B penalty on account of delay in submission of tax audit report before the learned Assessing

Officer. There is hardly any dispute between the parties that it is not a case of altogether non-submission of the tax audit report, once it has come on record that the assessee, *inter alia*, received its audit report [qualified by the state government] only by 31<sup>st</sup> October, 2017 followed by its return filed on 31.03.2018 along with the same. The assessee's impugned delay in filing the tax audit report therefore, does not involve any considerable time once stood submitted very well during the course of assessment itself. We thus treat both these appeals as a fit case to delete the impugned sec.271F and sec.271B penalty(ies) for belated filing of return and tax-audit report, respectively, as involving a reasonable cause(s) within the meaning of sec.273B of the Act since the assessee has to be comply the state government's directions only. Both of these instant appeals succeed in very terms.

3. To sum up, these assessee's twin appeals ITA.Nos.391 & 392/Coch/2023 are allowed in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on 25<sup>th</sup> September, 2024.

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