

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

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

ITA No. 140/Coch/2024
(Assessment Year: 2021-22)

Ramanthali Service Co-op. Bank Ltd. Ramanthali, Payanur, Kannur 670307 [PAN: AAJR0310C]	vs.	The Income Tax Officer - 3 Aayakar Bhavan Kannothumbal Kannur 670307
(Appellant)		(Respondent)

Appellant by:	Shri Arun Raj S., Advocate
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	14.08.2024
Date of Pronouncement:	25.09.2024

ORDER

Per Bench

This assessee's appeal for A.Y. 2021-22 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/ NFAC/S/250/2023-24/1060142685(1) dated 25.01.2024 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Heard both parties. Case file perused.

2. It merges at the outset that the assessee's identical sole substantive grievance raised in the instant appeal seeks to reverse the action of the lower authorities disallowing section 80P(2)(a)(i) deduction claim of Rs.1,55,98,881/- representing interest income from deposits made in co-operative Banks, as eligible for tax deduction.

3. Learned Sr. DR vehemently argued in the course of hearing that such interest income could have hardly be held even derived from assessee's regular credit facilities made available to the members concerned. She further quotes PCIT & Anr. v. Totagars Co-operative Sales Society reported in (2017) 395 ITR 611 (Kar.) and submitted that the impugned disallowance has been rightly made in assessee's hand.

4. We notice in this background that the very issue stands adjudicated in Hon'ble Jurisdictional High Court's recent decision in ITA No. 323 of 2019 in the case of PCIT v. Peroorkada Service Co-op. Bank Ltd. [2022] 442 ITR 141 (Ker) wherein their Lordships have rejected the Revenue's identical stand as under: -

“12.2 Section 80P deals with Co-operative Societies' computation of income. As already noted, it has four sections and several sub-sections and clauses. The Parliament has considered the various situations in which the exigible income and the deductible income of the assessee is considered while computing the income of the assessee. For getting deduction, in our considered view, the assessee must also establish that the interest income earned by the assessee is from a Co-operative Society. As a matter of fact, in the case on hand, there is no dispute that it is not from a Co-operative Society registered under Kerala Co-operative Societies Act. The interest income earned from District Co-operative Bank/State Co-operative Bank, in the facts and circumstances of the case, do come within Section 80P(2)(d). Therefore, the income constitutes income from other sources and the only eligible deduction is covered by Section 80P(2)(d) viz. Interest or dividend derived by the assessee from its investments with any other Co-operative Society. The source of interest income is from Bank and Treasury, interest income received from Treasury be included in the computation of total income of the assessee. In other words, interest earned from Treasury is inadmissible for deduction and interest income from Co-operative Societies registered under the Kerala Co-operative Societies Act are eligible for deduction. The contra consideration of Commissioner of Income Tax (Appeals) and the Tribunal is incorrect and liable to be modified as stated above. Hence, it is held that the interest income earned by the assessee does not come within the ambit of Section 80P(2)(a)(i) and permissible deduction of interest income is limited to Co-operative Societies/Banks registered under Kerala Co-operative Societies Act under clause (d) of the Act and effect order on the above lines is made by the Assessing Officer. The questions are accordingly answered.”

5. We adopt the above detailed discussion mutatis mutandis in the case of assessee's identical submission on section 80P deduction. Necessary computation shall follow as per law in very terms

6. In the result, the assessee's appeal is allowed in above terms.

Order pronounced on 25th 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: 25th 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