

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

**Before Shri Satbeer Singh Godara, Judicial Member &
Shri Amarjit Singh, Accountant Member**

ITA No.215 /Coch/2023
& SA No. 36 /Coch/2023
Assessment Year: 2015-16

Tanalur Service Co-operative Bank Limited, Service Bank Building Tanalur, Malappuram – 676 307. PAN : AADAT8161F.	v.	The Assistant Commissioner of Income-tax Kozhikkode.
(Appellant/Applicant)		(Respondent)

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

Date of Hearing : 12.08.2024	Date of Pronouncement : 25.09.2024
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ORDER

Per Bench :

This assessee's appeal ITA No. 215/Coch/2023 for A.Y. 2015-16 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/NFAC/S/250/2022-23/1049267296(1) dated 31.01.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act). It has also filed Stay Application SA No. 36/Coch/2023 seeking to restrain the department from recovering the corresponding demand as well.

2. It emerges at the outset that both the lower authorities have levied s. 201A r.w.s 234E interest u/s. 220(2) of the Act for the relevant accounting period from 01.04.2014 to 31.03.2015 despite the fact that the statutory amendment regarding the impugned levy is applicable only w.e.f. 01.06.2015. There is no material on record indicating the impugned

amendment to be retrospective in nature. We thus adopt stricter interpretation as per Commissioner v. Dilip Kumar and Company [2018] 9 SCC 1 (SC) (FB) to delete the impugned 200A r.w.s. 234E late filing levy of Rs. 69,150/- in very terms. Ordered accordingly.

3. This assessee's appeal ITA No. 215/Coch/2023 is allowed and the stay application SA No. 36/Coch/2023 is rendered infructuous. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on this 25th Day of September, 2024.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Sd/-
(Amarjit Singh)
Accountant Member

Cochin ; Dated : 25th September, 2024.
Devadas G*

Copy to :

1. The Appellant.
2. The Respondent.
3. The CIT(A), Concerned.
4. The CIT Concerned.
5. The DR, ITAT, Cochin.
6. Guard File.

Asst. Registrar/ITAT, Cochin