

आयकर अपीलीय अधिकरण, "ए"/ 'बी'/ 'सी'/ 'डी' न्यायपीठ, चेन्नई।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH: CHENNAI

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष  
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND  
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1462/Chny/2023  
निर्धारण वर्ष /Assessment Year: 2019-20

GC2351 Manampathy Primary Agricultural Coop Credit Society, Vs. Income Tax Officer,  
Manampathy Village & Post, Ward-1,  
Chengalpet Taluk, Kanchipuram  
Kanchipuram, TN-603105. Chennai  
[PAN: AABAG2597A]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri I.Dinesh, Advocate for  
B.Sakthivel, Advocate.

प्रत्यर्थी की ओर से /Respondent by

: Ms.Gouthami Manivasagam, JCIT

सुनवाई की तारीख/Date of Hearing

: 29.07.2024

घोषणा की तारीख /Date of Pronouncement

: 23.10.2024

**आदेश / ORDER**

**PER AMITABH SHUKLA, A.M :**

This appeal is filed against the order bearing DIN & Order No.ITBA/NFAC/S/250/2023-24/1053587740(1) dated 07.06.2023 of the Learned Commissioner of Income Tax [herein after "CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the assessment years 2019-20. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 07.06.2023 passed by NFAC, Delhi.

2.0 The Ld. Counsel for the assessee informed that the only issue in the present appeal, raised by the assessee being a primary agricultural cooperative credit society is regarding the action of CPC in making an adjustment u/s 143(1)(a) which has had the effect of denying the assessee the benefit of deduction u/s 80P. It was submitted that the assessee had filed belated return and the CPC had taken the same as ground to deny the assessee benefit of deduction u/s 80P. The Ld. CIT(A) concurred with the action of the CPC and sustained its adjustment. The Ld. Counsel for the assessee argued that CPC has acquired powers to make adjustment u/s 143(1)(a) only upon amendment to the finance act effective from 01.04.2021. The Ld. Counsel also informed that in the light of CBDT circular No.13 of 2023 empowering CC'sIT to condone delay, in filing of return by cooperative societies qua their claim of deduction u/s. 80P, it has also made a petition dated 18.04.2024 to the jurisdictional CCIT and that the same is pending conclusion. It was submitted that the assessee has fair chances of succeeding before the said authority qua condonation of delay in its filing of return. The Ld. DR relied upon the order of Ld. CIT(A) but acknowledged the CB DT circular supra.

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3.0 We have heard rival submissions in the light of material available on records. The only controversy is regarding denial of deduction u/s 80P to the assessee on the premise of having filed a belated return. The CBDT has already acknowledged through its circular No.13 supra that there is a case of grievance from cooperative societies pertaining to assessment years 2018-19 to AY 2022-23 wherein deduction u/s 80P has been denied on account of belated returns. Accordingly, as per para-4 of the impugned circular in order to mitigate genuine hardships CCsIT / DGsIT have been empowered to condone delay in cases confirming to certain conditions. It is an admitted fact on record that the assessee has filed a petition for condonation of delay before the jurisdictional CCIT and the same was reported to be pending. Accordingly, we are of the view that in the interest of justice, the decision of jurisdictional CCIT should be considered while deciding upon the issue of availability of deduction u/s 80P to the assessee. Accordingly, we set aside the order of lower authorities and direct the assessing officer to await the decision of jurisdictional CCIT qua assessee's petition for condonation of delay. In the event the assessee succeeds before the jurisdictional CCIT, the deduction u/s 80P would have to be allowed. In the result grounds of appeal raised by the assessee are allowed for statistical purposes.

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4.0 In the result, the appeal raised by the assessee is allowed for statistical purposes.

Order pronounced on 23<sup>rd</sup>, October, 2024.

**Sd/-**  
**(मनु कुमार गिरि)**  
**(Manu Kumar Giri)**

**Sd/-**  
**(अमिताभ शुक्ला)**  
**(amitabh shukla)**

**न्यायिक सदस्य / Judicial Member**

**लेखा सदस्य /Accountant Member**

चेन्नई/Chennai, दिनांक/Dated: 23<sup>rd</sup>, October, 2024.

KB/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Chennai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF