

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

Before Shri Inturi Rama Rao, Accountant Member

ITA No. 656/Coch/2024
(Assessment Year: 2019-20)

Elamkulam Rural Co-operative Society Ltd. Cherukara P.O. Malappuram 679340 [PAN: AAAAE7167K]	vs.	The Income Tax Officer Ward - 1, Tirur
(Appellant)		(Respondent)

Appellant by:	----- None -----
Respondent by:	Smt. Leena Lal, Sr. D.R.

Date of Hearing:	28.10.2024
Date of Pronouncement:	30.10.2024

ORDER

This appeal filed by the assessee is directed against the order of the Commissioner of Income Tax (Appeals)-13 Mumbai [CIT(A)] dated 21.06.2024 for Assessment Year (AY) 2019-20.

2. Brief facts of the case are that the assessee is a co-operative society registered under the Kerala Co-operative Societies Act formed with the object of providing credit facilities to its members. The return of income for AY 2019-20 was filed on 28.11.2020 after claiming deduction u/s. 80P of the Income Tax Act, 1961 (the Act) . The said return was processed u/s. 143(1) of the Act after making adjustment by disallowance of deduction u/s. 80P of the Act placing reliance on the provisions of section 80AC on the ground that the return of income was filed belatedly.

3. Aggrieved by the said intimation, an appeal was filed before the CIT(A) who vide the impugned order dismissed the appeal of the assessee.

4. Aggrieved by the order of the CIT(A), the assessee filed appeal before the Tribunal. When the appeal was called on nobody attended despite due service of notice of hearing. Therefore after hearing the learned Sr. DR, I proceed to dispose off the appeal on merits as under.

5. The solitary issue that arises for my consideration is whether or not the CPC was justified in making adjustments u/s. 143(1) of the Act by disallowing claim of deduction u/s. 80P on the ground that the return of income was not filed within the due date prescribed u/s. 139(1) of the Act. The provisions of section 80AC mandates that in order to claim deduction u/s. 80P, the return of income should be filed within the due date prescribed under the provisions of section 139(1) of the Act. The relevant provision of 80AC reads as under: -

“Deduction not to be allowed unless return furnished.

80AC. Where in computing the total income of an assessee of any previous year relevant to the assessment year commencing on or after—

(i) the 1st day of April, 2006 but before the 1st day of April, 2018, any deduction is admissible under section 80-IA or section 80-IAB or section 80-IB or section 80-IC or section 80-ID or section 80-IE;

(ii) the 1st day of April, 2018, any deduction is admissible under any provision of this Chapter under the heading "*C.—Deductions in respect of certain incomes*", no such deduction shall be allowed to him unless he furnishes a return of his income for such assessment year on or before the due date specified under sub-section (1) of section 139.”

6. Thus the provisions of the Act are clear, unambiguous and plain. Therefore, in the light of the plain provisions of the Act the CPO is justified in making the adjustments by disallowance of claim for deduction u/s. 80P to the returned income,

as the return of income was not filed within the due date prescribed u/s. 139(1) of the Act. Thus we do not find merit in the appeal filed by the assessee.

7. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open court on 30th October, 2024

Sd/-
(Inturi Rama Rao)
Accountant Member

Cochin, Dated: 30th October, 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