

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

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

ITA No.780/Coch/2023 : Asst.Year 2019-2020

Omassery Mercantile Co-operative Society Ltd. No.D-2921 Omassery, Kozhikode – 673 582 PAN : AAAA07114L.	v.	The Income Tax Officer Ward 2(3) Kozhikde.
(Appellant)		(Respondent)

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

Date of Hearing : 14.08.2024	Date of Pronouncement : 23.10.2024
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ORDER

Per Bench :

This assessee's appeal in ITA No.780/Coch/2023 for assessment year 2019-2020 arises out of the order of the Commissioner of Income-tax (Appeals) / NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1056332559(1) dated 20.09.2023 in proceedings u/s.154 of the Income-tax Act, 1961; in short "the Act" hereinafter.

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

2. It appears at the outset that there is hardly had any need for us to give detailed consideration to the assessee's sole substantive grievance seeking to reverse both the learned lower authorities action disallowing its section 80P deduction claimed by way of section 143(1)(a)(v) "processing"

dated 16.04.2020 as upheld in the lower appellate ex-parte discussion. This is for the precise reason that the legislature has amended section 143(1)(a)(v) enabling provision to this effect by way of amendment in the Finance Act, 2021 w.e.f. 01.04.2021 whereas the impugned assessment order is AY 2019-20. Meaning thereby that both the learned lower authorities could not have invoked s.143(1)(a)(v) “processing” retrospectively for disallowing assessee’s impugned section 80P deduction. We accept the assessee’s instant sole substantive ground in very terms. Ordered accordingly. Accordingly, assessee’s appeal ITA No.780/Coch/2023 is allowed.

Order pronounced in the open court on this 23rd Day of October, 2024.

Sd/-
(Amarjit Singh)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Cochin ; Dated : 23rd October, 2024
Devadas G*

Copy to :

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

Asst. Registrar/ITAT, Cochin