

IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, COCHIN

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

ITA No.539 & 540/Coch/2023  
ALONG WITH  
S.A.Nos.113 & 114/Coch./2023  
Assessment Years 2010-2011 & 2009-2010

The Vattanathra Service Co-operative Bank Limited No.499 Vattanathra P.O. Thrissur – 680 302. PAN : AACAT5008N.	v.	The Income Tax Officer Ward 2(1) Thrissur.
(Appellant)		(Respondent)

Appellant by : Sri.Ramdas,CA  
Respondent by : Smt.V.Swarnalatha, Sr.DR

Date of Hearing : 23.08.2024	Date of Pronouncement : 07.11.2024
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**ORDER**

**Per Bench :**

These assessee's twin appeals ITA Nos.539 & 540/Coch/2023 along with its stay applications S.A.Nos.113 & 114/Coch./2023, for assessment years 2010-11 & 2009-2010, arise against the CIT(A)-National Faceless Appeal Centre, Delhi, Delhi's DIN & Order Nos.ITBA/NFAC/S/250/2023-24/1052930153(1) and 1052924507(1), both dated 17.05.2023, in proceedings u/s.143(3) r.w.s. 147 and sec.154 of the Income-tax Act, 1961 [in short "the Act"]; case-wise; respectively.

Heard both the parties. Case files perused.

2. It emerges during the course of hearing in the assessee's "lead" appeal ITA.No.539/Coch./2023 for assessment year 2010-2011 that both the learned lower authorities have quoted sec.80A(5) for rejecting assessee's sec.80P deduction claim on the ground that it had filed its return claiming the same "belatedly".

3. Learned DR strongly relies upon the CIT(A)'s lower appellate discussion seeking to distinguish the hon'ble jurisdictional high court decision in Chirakkal Service Co-operative Bank Ltd. v. CIT [(2016) 384 ITR 490 (Ker.)]. by way of some other judgments wherein 80A(5) was nowhere applicable.

4. Faced with this situation, we are of the considered view that even a belated return, prior to sec.80AC amendment w.e.f. 01.04.2018, is eligible for 80P deduction and therefore, there is no reason for us to uphold ld.CIT(A)'s findings herein. We thus deem it appropriate to restore the assessee's instant appeal back to the CIT(A) for fresh decision on merits in above terms. Ordered accordingly.

5. The assessee's latter appeal ITA.No.540/Coch./2023 also follows the suit since involving sec.154 consequential rectification. Ordered accordingly.

6. These assessee's twin appeals ITA.Nos.539 & 540/Coch/2023 are allowed for statistical purposes and its stay applications SA.Nos.113 & 114/Coch/2023 are dismissed as rendered infructuous. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on this 7<sup>th</sup> day of November, 2024.

Sd/-  
(Amarjit Singh)  
ACCOUNTANT MEMBER

Sd/-  
(Satbeer Singh Godara)  
JUDICIAL MEMBER

Cochin ; Dated : 7<sup>th</sup> November, 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