

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

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

ITA No.771/Coch/2023  
Assessment Year: 2022-2023

M/s.Olavanna Service Co-operative Bank Limited Post Olavanna, Kozhikode <b>PAN : AAAAO3624P.</b>	v.	The Income Tax Officer Ward 2(3), Kozhikode.
(Appellant)		(Respondent)

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

<b>Date of Hearing : 12.08.2024</b>	<b>Date of Pronouncement : 05.11.2024</b>
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**ORDER**

**Per Bench :**

This assessee's appeal for A.Y. 2022-23 arises against the Addl/JCIT (A), Indore [CIT(A)]'s DIN & Order No. ITBA/APL/ S/250/2023-24/1056972600(1) dated 11.10.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

The case was called twice. None appeared on behest of the assessee. Therefore, we proceeded to hear the appeal exparte qua the assessee.

2. It emerged at the outset that both the learned lower authorities have invoked section 80P deduction disallowance u/s. 143(1)(a)(v) "processing" in the light of the fact that the assessee's corresponding return had not been filed within the due date u/s. 139(1) of the Act attracting s. 80AC (as amended from 01.04.2018 onwards).

3. The assessee's stand all along has been that hon'ble jurisdictional high court in Chirakkal Service Co-operative Bank Ltd. case [2016] 384 ITR 490 (Ker) has settled the issue that even a "belated" return is also entitled to be considered for section 80P deduction. We find that the CIT(A) has already taken note thereof whilst quoting the statutory amendment in section 80AC that such a return has been mandatorily filed within the due date u/s. 139(1) of the Act. This amendment has admittedly come well after their lordships' judgement and therefore, we have no option but to reject the assessee's claim in light of section 80AC (as amended) w.e.f. 01.04.2021 applicable from AY 2022-23 onwards. Rejected accordingly.

4. In the result, assessee's appeal is dismissed.

Order pronounced in the open court on this 5<sup>th</sup> Day of November, 2024.

**Sd/-**  
**(Amarjit Singh)**  
**Accountant Member**

**Sd/-**  
**(Satbeer Singh Godara)**  
**Judicial Member**

Cochin ; Dated : 5<sup>th</sup> November, 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