

IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER

ITA.No.195/Coch/2024
Assessment Year 2017-2018

Malanadu Co-operative Agriculture and Rural Development Bank Ltd. NCARDB Building, Nedumkandam PO Idukki – 685 553. PAN AAAAM7248R.	vs.	The Income Tax Officer Ward – 1 & TPS Thodupuzha.
(Appellant)		(Respondent)

Appellant by : Sri.Premjith Nagendran, Advocate

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 :

This assessee's appeal ITA.No.195/Coch/2024, for assessment year 2017-2018, arises out of the order of the Commissioner of Income-tax (Appeals)/NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1060772579(1) dated 12.02.2024 in proceedings u/s.144 of the Income-tax Act, 1961; in short "the Act" hereinafter.

Heard both the parties. Case file perused.

2. Coming to the assessee's sole substantive ground that both the learned lower authorities have erred in law and on facts in rejecting its sec.80P deduction claim, the clinching fact which emerges from a perusal of the case file is that the same had never been claimed in "a return" as per sec.80A(5) of the Act. Case law EBR Enterprises vs. Union of India [2019] 415 ITR 139 (Bom.) is found to have already settled the issue in Revenue's favour. We thus uphold the CIT(A)-NFAC's impugned findings to this effect in page-3 paras 4.3 to 5 of the lower appellate discussion.
3. We make it clear before parting that although the legislature has amended sec.80AC(ii) w.e.f. 01.04.2018 that a return in such an instance has to be filed within "due" date u/sec.139(1) of the Act, the same does not apply as sec.80A(5) specific condition is not that if filing sec.139(1) return but in raising such relief in "a return" only. Rejected accordingly.
4. This assessee's appeal is dismissed in above terms.

Order pronounced in the open court on 7th day of
November, 2024.

Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Cochin ; Dated : 7th November, 2024.

VBP/-

Copy to :

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

Asst.Registrar/ITAT, Cochin