

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Amitabh Shukla, Accountant Member

आयकर अपील सं./I.T.A. No.2437/Chny/2024
निर्धारण वर्ष/Assessment Year: 2018-19

S 109 Poonimangadu Primary
Agriculture Cooperative Credit Society,
Poonimangadu Village and Post,
Tiruthani Taluk, Tiruvallur 631 212.
[PAN: AAGAS9416B]

Vs. The Income Tax Officer,
Ward 1,
Tiruvallur.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri B. Suresh, CA
प्रत्यर्थी की ओर से/Respondent by : Ms. R. Anita, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 21.11.2024
घोषणा की तारीख /Date of Pronouncement : 27.11.2024

आदेश /O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 09.08.2024 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2018-19 challenging exparte order of the Id. CIT(A).

2. At the outset, we note that the Assessing Officer received information that the assessee had deposited cash of ₹.1,00,000/- and made cash withdrawal of ₹.1,64,08,000/- from its bank accounts and

the assessee has not filed return of income for the assessment year 2018-19. Accordingly, the Assessing Officer issued notice under section 148 of the Income Tax Act, 1961 ["Act" in short]. The assessee filed return of income on 12.04.2022 along with copy of bye-law, trading and P&L account, details of cash withdrawn from bank and copy of the return of income. Since the return of income filed by the assessee was pending for e-verification, the Assessing Officer held no valid return of income for AY 2018-19 filed in response to the notice under section 148 of the Act dated 31.03.2022 and disallowed the claim of deduction made under Chapter VI-A under section 80P of the Act vide order dated 26.03.2023 under section 147 r.w.s. 144 of the Act. The Id. CIT(A) confirmed the same.

3. The Id. AR Shri B. Suresh, CA drew our attention to para 5 of the impugned order and vehemently argued that the Id. CIT(A) issued notice on 09.07.2024 and reminder letter dated 22.07.2024 and also a show cause notice on 30.07.2024 without giving sufficient interval and prayed to afford an opportunity to the assessee

4. The Id. DR Ms. R. Anita, Addl. CIT relied on the order of the Id. CIT(A).

5. After hearing both the parties, we find the Assessing Officer made addition by disallowing the claim of deduction under section 80P of the Act for reason that no return of income was filed by the assessee within the due date as prescribed under section 139(1) of the Act. On perusal of the impugned order, we find that no opportunity for filing of submissions along with necessary documents in support of grounds raised by the assessee. Under the above facts and circumstances of the case, taking into consideration of the submissions of the Id. AR and the Id. DR and in the interest of justice, we deem it proper to remand the matter to the file of the Id. CIT(A) for fresh consideration. The assessee is at liberty to file written submissions along with evidences, if any, before the Id. CIT(A). Thus, grounds raised by the assessee are allowed for statistical purposes.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 27th November, 2024 at Chennai.

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 27.11.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.