

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "B", PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER
AND SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.1104/Kol/2024

निर्धारण वर्ष / Assessment Year : 2020-21

Kolhapur Udyam Cooperative Society Ltd., 1328/25A, Y.P. Powarnagar, Kolhapur – 416 008 Maharashtra PaN : AAAAK0364N	Vs.	CPC, Bangalore
Appellant		Respondent

Assessee by	:	Shri Pramod S. Shingte
Revenue by	:	Shri Arvind Desai
Date of hearing	:	13.11.2024
Date of pronouncement	:	04.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeal at the instance of Assessee is directed against the order dated 23rd March, 2024 framed by Addl/JCIT(A)-3, Kolkata u/s.250 of the Income-tax Act, 1961 (hereinafter referred to as 'The Act').

2. The present appeal has been transferred from ITAT, Kolkata Benches to Pune Benches on the ground of Jurisdiction.

3. At the very outset, Ld. Counsel for the assessee submitted that appeal has been filed against the Intimation order dated 23.12.2021 processed by the CPC denying the deduction claimed by the assessee u/s.80P of the Act which got imprimatur by the ld.CIT(A) in the impugned order. However, it is submitted by Ld.

Counsel for the assessee that subsequent to processing of return u/s.143(1), the matter was selected through CASS for 'complete scrutiny' for verification of large deduction under Chapter VI-A. The assessment order was passed by the AO vide order dated 25.09.2022 u/s.143(3) r.w.s.144B of the Act denying deduction of interest income of Rs.75,00,813/- apart from making addition on account of leave encashment of Rs.1,49,506/- and loss of sale of weigh bridge Rs.2,79,244/-, determining the income of the assessee at Rs.1,83,44,520/-. Aggrieved by the above assessment order, an appeal was filed before the Id.CIT(A)/NFAC who inturn had allowed the deduction of interest income u/s.80P(2)(d) of Rs.75,00,813/- but confirmed the remaining two additions made by AO. The said order of Id.CIT(A)/NFAC allowing the deduction u/s.80P(d)(d) was also given effect to by CIT, Circle-1, Kolhapur vide order dated 28.11.2023. The copies of the assessment order, appellate order and the order giving effect to have been placed on record. The Id. Counsel for the assessee accordingly submitted that the instant appeal becomes 'Infructuous'.

4. The Id. Departmental Representative did not dispute the above factual position elucidated by the Id. Counsel for the assessee.

5. We have heard the parties and perused the record placed before us. Though the instant appeal has been filed against the Intimation order passed by the CPC u/s.143(1) denying deduction u/s.80P(2)(d) of the Act, the fact remains undisputed that same issued was again examined in the scrutiny assessment u/s.143(3) and matter travelled before the Id.CIT(A)/NFAC. The CIT(A)/NFAC vide its order dated

20.07.2023 allowed the deduction claimed u/s.80P(2)(d) of the Act which was also given effect to by the CIT, Circle-1, Kolhapur by order dated 28.11.2023. In the light of these facts, the present appeal filed by the assessee deserves to be dismissed as “infructuous.

6. In the result, appeal filed by the assessee is dismissed.
Order pronounced on this 04th day of December, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 04th December, 2024.
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “B” बेंच,
पुणे / DR, ITAT, “B” Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.