

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

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI PRAKASH CHAND YADAV, JM**

**ITA Nos. 908 & 909/Coch/2023
Assessment Years: 2020-21 & 2021-22**

Pattambi Service Co-op. Bank Ltd.
Razmall Complex
Pallippuram Road, Pattambi
Palakkad 679303
[PAN: AAAAP9607P]

..... Appellant

Vs.

The Income Tax Officer
Palakkad

..... Respondent

Appellant by: Shri Sivadas Chettor, CA
Respondent by: Shri Sanjit Kumar Das, CIT-DR

Date of Hearing: 21.11.2024
Date of Pronouncement: 09.12.2024

ORDER

Per: Inturi Rama Rao, AM

These appeal filed by the assessee are directed against separate orders of the National Faceless Appeal Centre, Delhi [CIT(A)] both dated 31.10.2023 for Assessment Years (AYs) 2020-21 & 2021-22.

2. Brief facts of the case are that the assessee, a co-operative society registered under the Kerala Co-operative Societies Act, 1969, filed its return of income for AYs 2020-21 & 2021-22 on 09.11.2020 & 15.02.2022 respectively declaring Nil income. Since the assessee could not respond to the notices, the Income Tax Officer, Palakkad (hereinafter “the AO”) issued show cause notices. However, there had been

no response from the assessee to the show cause notices. Under the circumstances the AO completed the assessments by making additions u/s. 80P(2)(a)(i) of the Act.

3. Being aggrieved, an appeal was filed before the CIT(A) who vide the impugned order dismissed the appeals of the assessee *in limine* for want of prosecution placing reliance of the decision in the case of CIT vs. B.N. Bhattachargee & Another 118 ITR 461.

4. Being aggrieved, the assessee is in appeals before the Tribunal in the present appeal raising various grounds for both the assessment years.

5. We have heard the rival contentions of both the parties and perused the material available on record. At the outset we find that the CIT(A) dismissed the appeals *in limine* for non-prosecution without entering into the merits of the issue involved in the appeal. It is settled position of law that the CIT(A) is bound to dispose of the issues in appeal on merits by adverting to the facts of the facts of the case and discussing the legal position governing the issue in appeal. However, in the present case the CIT(A) merely dismissed the appeal *in limine*, contrary to the settled position of law. Therefore, we remand the matter back to the file of CIT(A) with a direction to dispose of the appeals on merits in accordance with law after providing opportunity of hearing to the assessee.

6. This assessee's appeals are allowed for statistical purposes.

Order pronounced in the open court on 9th December, 2024

Sd/-
(PRAKASH CHAND YADAV)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 9th December, 2024

n.p.

Copy to:

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

By Order

Assistant Registrar
ITAT, Cochin