



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.1336/PUN/2024

निर्धारण वर्ष / Assessment Year : 2019-20

Rani Laxmibai Mahila Gramin Bigar Sheti Sah. Pat. Ltd., Wadi Darwaja, Shendurni, Tal. Jamner, Dist. Jalgaon-424204 Maharashtra PAN : AAAAR3129G	Vs.	ITO, Ward-1(4), Jalgaon
Appellant		Respondent

Assessee by	:	Shri Vinay V. Kawdia
Revenue by	:	Shri Arvind Desai
Date of hearing	:	04.12.2024
Date of pronouncement	:	09.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

This appeal filed by the assessee pertaining to the Assessment Year (in short "AY") 2019-20 is directed against the order passed u/s.250 of the Income Tax Act, 1961 [in short "the Act"] by the Addl/JCIT(A)-4, Chennai dated 03.05.2024 arising out of the Intimation order passed u/s.143(1)(a)(v) of the Act, dated 07.05.2020.

2. Facts of the case in brief are that the assessee is a Credit Cooperative Society registered under the Societies Registration Act. It is formed with the object of providing small finance, Agricultural term loans etc. to the women in Rural areas who are members of the Society. For the year



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under consideration, the assessee filed the return of income belatedly declaring Nil income after claiming deduction of Rs.62,56,854/- u/s.80P of the Act. The return was processed by the CPC disallowing the deduction claimed by assessee.

3. The assessee preferred an appeal before the ld.CIT(A) contending that CPC has no power to disallow the deduction u/s.80P of the Act in respect of the returns filed belatedly by virtue of amendment carried out in Finance Act, 2021 w.e.f. 01.04.2021. The ld.CIT(A) countenanced the action made by the CPC relying on provisions of section 80AC(ii) of the Act.

4. Aggrieved assessee preferred appeal before the Tribunal challenging the order passed by ld.CIT(A), relying on the decision of Pune Bench in the case of Finolex Industries Ltd. Vs. ITO in ITA No.76/PUN/2023.

5. We have heard the rival contentions and perused the material on record. The sole issue agitated in this appeal whether the CPC was justified in denying the deduction claimed by the assessee u/s.80P of the Act for filing the return belatedly. We note that the amendment carried out in Finance Act, 2021 w.e.f. 01.04.2021 with respect to allowing of deduction u/s.80P of the Act is prospective in nature. Admittedly, the assessment year under consideration is 2019-20. In support of its contention, the ld. Counsel for the assessee drew the attention of the Bench to the decision of Coordinate Bench of the Tribunal in the



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case of *Finolex Industries Ltd. Employees Co-o. Credit Society Ltd. Vs. ITO in ITA No.76/PUN/2023, dated 03.04.2023* wherein the issue was decided in favour of the assessee by observing as under :

“5. We have heard the submissions of the parties, considered the relevant materials/documents on record and analysed the facts and circumstances in this case. Section 143(1)(a)(v) of the Act spells out that if any deduction is claimed under any of the provisions of Chapter VI-A which include deduction u/s 80P such deduction has to be allowed only if the return is filed within due date specified under sub-section 139(1) of the Act. In other words, if any return is filed beyond due date u/s 139(1) of the Act then no deduction u/s 80P shall be allowed. However, clause (v) was inserted by the Finance Act, 2021 w.e.f. 01-04-2021. The case of the assessee, on the other hand, is for F.Y. 2018-19 relevant to A.Y. 2019-20 which is the period prior to amendment brought in by the Finance Act, 2021. Before this amendment, clause (v) did not include and cover deduction u/s 80P. So therefore, in the present Case of the assessee though admittedly return was filed beyond the time limit prescribed u/s 139(1) of the Act but still section 143(1)(a)(v) is not applicable to the assessee since the case of the assessee is for A.Y. 2019-20, which is before the amendment. We also accept the argument of the ld. A.R for the assessee that even if the revenue intends to invoke clause (ii) of section 143(1)(a) that would also not be permissible since in the definition of incorrect claim as provided in the provision, the deduction u/s 80P is not included anywhere and is therefore, outside the purview of the said provision. Therefore, rigors of provisions of section 143(1)(a)(ii) and clause (v) are not applicable to the case of the assessee. On this legal ground itself, the assessee succeeds and any other grounds on merits, if any, becomes academic in nature.”

6. On perusal of the above, we find that the facts of the above case are identical to the instant case of assessee. Following the decision of the Coordinate Bench of the Tribunal (supra), we hold that CPC was not justified in disallowing the deduction claimed by assessee u/s.80P of the Act for A.Y. 2019-10 as the powers for doing so were brought into the Act from A.Y. 2021-22. We therefore reverse the impugned order of the lower authorities and direct the AO to allow the deduction claimed by the assessee



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u/s.80P of the Act. Grounds raised by the assessee are allowed.

7. In the result, the appeal filed by the assessee is allowed.

Order pronounced on this 09th day of December, 2024.

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 09th 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,

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