

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“PATNA BENCH, PATNA**  
**VIRTUAL HEARING AT KOLKATA**

**Before Shri Sonjoy Sarma, Judicial Member and Shri Sanjay Awasthi, Accountant Member**

**I.T.A. Nos.294&295/Pat/2024**  
Assessment Years: 2011-12 & 2015-16

**Muzaffarpur Division Life Ins Corp Employees Coop Credit Society Ltd.....Appellant**  
**Umashankar Prasad Marg,**  
**Ramna, Muzaffarpur,**  
**Bihar – 842002.**  
**[PAN: AACAM1402D]**

**vs.**

**DCIT/ACIT, Circle-1(1), Muzaffarpur.....Respondent**

**Appearances by:**

Shri Sanjeev Anwar, AR, appeared on behalf of the appellant.

Shri Ashwani Kumar, Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : December 16, 2024

Date of pronouncing the order : December 17, 2024

**ORDER**

**Per Sonjoy Sarma, Judicial Member:**

The present appeal has been preferred by the assessee against separate orders dated 22.12.2023 & 12.12.2023 of the National Faceless Appeal Centre [hereinafter referred to as ‘CIT(A)’] passed u/s 250 of the Income Tax Act (hereinafter referred to as the ‘Act’) for assessment years 2011-12 & 2015-16 respectively. Since, the issues involved in both the appeals are common and relate to the same assessee, therefore, these appeals have been heard together and are being disposed of by this consolidated order.

2. At the outset, the ld. AR submitted that there is a delay of 14 days & 24 days in filing the instant appeals respectively. The assessee-society has filed applications for condonation of delay citing valid and proper reasons. After considering the averments made in the application, we condone the delay.

3. First, we take up the issue in respect of ITA No.294/Pat/2024 for assessment year 2011-12. Brief facts of the case are that the assessee is a credit co-operative society and was engaged in the activities of providing financial assistance to its members and is governed under the Bihar and Orissa Cooperative Societies Act, 1935. The assessee-society filed its return declaring Nil income after claiming a deduction of Rs.29,31,448/- u/s 80P of the Act. Later on, the case was reopened u/s 147 and notice u/s 148 was issued to the assessee but there was no response received by the assessee-society. The Assessing Officer completed the assessment u/s 144 r.w.s 147 of the Act by making a disallowance of Rs.29,31,448/- u/s 80P(a)(i) of the Act.

4. Dissatisfied with the above order, the assessee preferred an appeal before the Id. CIT(A) and the Id. CIT(A) dismissed the appeal of the assessee due to non-compliance.

5. Aggrieved, the assessee preferred the appeal before this Tribunal on the following grounds:

*“1 For that the orders of the Authorities below are bad in law and facts.*

*2 For that the learned CIT (A) should not have passed ex-parte order, particularly when the adjournment was sought on the last date of hearing fixed.*

*3 For that the compliance could not be made on earlier dates on account of serious illness of the counsel engaged. The appellant humbly prays that they are credit cooperative society of LIC of India and had no intention to avoid notice and as such one more opportunity may kindly be provided to make submission.*

*4 For that the learned A.O. is not correct in saying that details were not filed during the course of assessment. Copy of audit report and requisite details of deposit from members were uploaded. However, the assessment order was passed without considering the same.*

*5 For that the appellant is eligible for claim of deduction u/s 80P(2)(a)(i) and the same was also allowed in A/Y- 2012-13 and 2014-15. Thus the learned A.O. is not justified in disallowing the same in the under consideration.*

*6 For that, in any view, statutory deduction should not have been disallowed without bringing any material on record.*

*7 For that the appellant humbly prays that necessary orders may kindly be passed with suitable directions to allow the claim of deduction made u/s 80P(2)(a)(i).*

*8 For that other grounds, if any, will be urged at the time of hearing.”*

5.1 The ld. Counsel for the assessee submitted that the ld. CIT(A) has passed an ex-parte order as the assessee had not responded to the notices of hearing on multiple grounds. The ld. Counsel for the assessee submits that notice of hearing was not served on the assessee and hence assessee did not represent the case before the ld. CIT(A). He argued that the non-appearance before the ld. CIT(A) was not intentional and prayed accordingly that in the interest of justice, one more opportunity may be provided to him to substantiate its claim before competent authority.

6. On the other hand, the ld. DR submitted that the ld. CIT(A) has given sufficient opportunity to the assessee to represent its case but the assessee failed to appear. Therefore, he prayed that the above prayer of the ld. AR may not be entertained by this Tribunal.

7. We, after hearing the rival submission of the parties and perusing the materials available on record, find that the order of the ld. CIT(A) is the impugned order ex parte against the assessee, therefore, it is clear that the assessee could not represent its case before the ld. CIT(A) properly. After considering the grounds of appeal filed before us, we find that the assessee was prevented with sufficient reason which was beyond the control of the assessee to appear before the ld. CIT(A) and the same was unintentional. We also find that the ld. CIT(A) dismissed the appeal solely on the procedural ground without examining the merits of the case, which is essential u/s 250(6) of the Act. We, therefore, considering the facts of the case and in the interest of justice and fair play, remand back the issue to the file of the ld. CIT(A) for fresh adjudication after

giving reasonable opportunity of being heard to the assessee to present its case. We also direct the assessee-society to strictly comply with the notices issued by the ld. CIT(A) and furnish all necessary documents to substantiate its claim.

8. Since the facts and issues involved in both these appeals are identical, therefore, our findings/directions given above in ITA No.294/Pat/2024 will mutatis mutandis apply to ITA No.295/Pat/2024. Hence, ITA No.295/Pat/2024 is also allowed for statistical purposes.

9. In terms of the above, both the appeals of the assessee are allowed for statistical purposes.

***Kolkata, the 17<sup>th</sup> December, 2024.***

Sd/-  
**[Sanjay Awasthi]**  
**Accountant Member**

Sd/-  
**[Sonjoy Sarma]**  
**Judicial Member**

Dated: 17.12.2024.

RS

*Copy of the order forwarded to:*

1. Muzaffarpur Division Life Ins Corp Employees Coop Credit Society Ltd
2. DCIT/ACIT, Circle-1(1), Muzaffarpur
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches