

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

BEFORE SHRI INTURI RAMA RAO, AM

**ITA No. 594/Coch/2024
Assessment Year: 2013-14**

Guruvayur Service Co-op. Bank Ltd.
Thaikkad, Thrissur 680104
[PAN: AACAG2120N]

..... Appellant

Vs.

The Income Tax Officer
Ward - 1 & TPS, Guruvayur

..... Respondent

Appellant by: Shri Ramdas, CA
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 12.12.2024
Date of Pronouncement: 12.12.2024

ORDER

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)] dated 24.04.2024 for Assessment Year (AY) 2013-14.

2. Brief facts of the case are that the appellant claims to be a primary agricultural credit co-operative society. The return of income for AY 2013-14 was filed on 31.03.2015. Subsequently the Income Tax Officer, Ward -1, Guruvayur (hereafter “the AO”) issued notice u/s. 148 of the Income Tax Act, 1961 (the

Act). In response to the notice u/s. 148 return of income was filed by the appellant on 11.06.2020. Against the said return of income, assessment was completed by the AO vide order dated 31.03.2022 disallowing the claim for deduction u/s. 80P(2)(a)(i) of the Act on the ground that the assessee failed to prove that it is primary agricultural credit co-operative society. Even on appeal before the CIT(A), the CIT(A) dismissed the appeal for non-appearance.

3. Being aggrieved, assessee filed appeal before this Tribunal.

4. I heard the rival contentions of both the parties and perused the material available on record. I find that the AO disallowed the claim for deduction u/s. 80P(2)(a)(i) of the Act for failure of the appellant society to prove that it is primary agricultural credit co-operative society. Even before the CIT(A), the assessee could not discharge the onus of proving that it is primary agricultural credit co-operative society. Therefore, in order to meet the ends of justice I am of the considered opinion that the matter is required to be remanded back to the file of the AO for de novo adjudication in accordance with law after affording reasonable opportunity of hearing to the assessee, following the ratio of decision of Hon'ble Supreme Court in the case of *Mavilayi Service Co-operative Bank Ltd. v. CIT* [2021] 431 ITR 1 (SC).

5. In the result, the appeal filed by the assessee stands allowed for statistical purposes.

Order pronounced in the open court on 12th December, 2024

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 12th 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