

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

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI SOUNDARARAJAN K., JM**

**ITA No. 588/Coch/2024
Assessment Year: 2019-20**

Ottapalam Taluk Pravasi Welfare Appellant
Co-operative Society Ltd.
P.O. Mezhathur, Ottapalam
Palakkad 679534
[PAN: AAAO7715K]

Vs.

The Income Tax Officer Respondent
Ward -2, Palakkad

Appellant by: Shri Alan Dev, Advocate
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 17.12.2024
Date of Pronouncement: 30.12.2024

ORDER

Per: Inturi Rama Rao, AM

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)] dated 12.04.2024 for Assessment Year (AY) 2019-20.

2. Brief facts of the case are that the appellant is a co-operative society registered the Kerala Co-Operative Societies Act, 1969. It is engaged in extending credit facilities to its members. The appellant

filed return of income for AY 2019-20 on 04.11.2019 disclosing Nil income after claiming deduction of Rs. 2,65,075/- u/s. 80P of the Income Tax Act, 1961 (the Act). The said return of income was processed u/s. 143(1) of the Act vide intimation dated 28.05.2020 after making adjustments by disallowance of claim for deduction u/s. 80P of the Act and adding back by reversal of various amounts credited to the Profit & Loss A/c on the ground that the return of income was filed belatedly. Even on appeal before the CIT(A), the CIT(A) had confirmed the action of the CPC placing reliance on the provisions of section 80AC of the Act.

3. Being aggrieved, the appellant is in appeal before us in the present appeal.

4. There is a delay in filing the present appeal by 9 days. The delay stated to have occurred as the order of the CIT(A) was served through email was overlooked by inadvertence. Therefore, it is prayed that the delay in filing the appeal be condoned. Keeping in view the salutary principle of law that ordinarily the litigant does not stand gain anything by filing the appeal belatedly. We are of the considered opinion that it is a fit case for condoning the delay. Accordingly we condone the delay and admit the appeal for adjudication.

5. Further, on merits it is submitted that the delay in filing the return of income was condoned by the learned Pr. CIT u/s. 119(2)(b)

of the Act vide order dated 29.11.2024 and, therefore, it is prayed that the appeal be allowed by directing the Assessing Officer to allow the deduction claimed u/s. 80P of the Act.

6. On the other hand, the learned Sr. DR has not opposed the above submission made by the learned counsel for the assessee.

7. We have heard the rival contentions of both the parties and perused the material available on record. We find that the AO had disallowed the claim for deduction u/s. 80P of the Act primarily on the ground that the return of income was not filed within the due date prescribed u/s. 139(1) of the Act. Now the learned Pr. CIT, in exercise of the powers vested with him u/s. 119(2)(b) of the Act and also read with Board circular No. 13/2023 dated 26.07.2023 had condoned the delay in filing the return of income. Therefore, in the circumstances, we direct the CPC to amend the intimation by allowing the deduction u/s. 80P of the Act.

8. In the result, the appeal filed by the assessee stands allowed.

Order pronounced in the open court on 30th December, 2024

Sd/-
(SUNDARARAJAN K.)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 30th 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