

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

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

ITA No. 726/Coch/2024 – AY : 2013-14

ITA No. 727/Coch/2024 – AY : 2013-14

ITA No. 278/Coch/2024 – AY : 2017-18

ITA No. 729/Coch/2024 – AY : 2020-21

Kumarapuram Service Co-operative Bank Ltd. Appellant
Thamallackal, Alappuzha 690549
[PAN AAABK0740M]

Vs.

The Income Tax Officer Respondent
Ward -2, Alappuzha

Appellant by: Shri Sabu, CA

Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 11.12.2024

Date of Pronouncement: 30.12.2024

ORDER

Per: Inturi Rama Rao, AM

These appeals filed by the assessee are directed against separate orders of the National Faceless Appeal Centre, Delhi [CIT(A)] all dated 15.03.2024 for Assessment Years (AYs) 2013-14, 2017-18 and 2020-21.

2. The assessee is a Primary Agricultural Credit Society registered under the Kerala Co-Operative Societies Act, 1969. The society had not filed regular returns of income. The Income Tax Officer, Ward -2, Alappuzha (hereinafter “the AO”), based on the

information that the appellant made cash deposits with Alappuzha District Co-operative Bank, found that income has escaped assessment to tax. Accordingly issued notice u/s. 148 of the Income Tax Act, 1961 (the Act). The appellant society neither complied with the notice u/s. 148 of the Act nor furnished any information in response to the notice issued u/s. 142(1) of the Act. Under the circumstances the AO was constrained to make best judgement assessment by assessing to tax the cash deposit of Rs. 1,12,00,000/- made in Alappuzha District Co-operative Bank as unexplained money of the appellant u/s. 69 of the Act vide assessment order dated 15.03.2022

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order confirmed the action of the AO.

4. Being aggrieved, the assessee is in appeal before the Tribunal in the present appeal.

5. Before us it is submitted that the assessment proceedings were initiated during the period of Covid-19 pandemic. The notices issued by the AO were not served on the appellant and, therefore, the appellant could not appear before either the AO or CIT(A). Similarly the hearing notices were issued by the CIT(A) through email, which went unnoticed. In the circumstances it is prayed that the orders of the lower authorities may be set aside and remanded back to the AO for de novo assessment.

6. On the other hand, the learned Sr. DR had no serious objection for remand of the matter.

7. Having considered the rival submissions and perusal of the material on record, we are of the considered opinion that the appellant was prevented by sufficient and reasonable cause from putting in appearance before the AO and CIT(A). Therefore, in order to meet the ends of justice the matter is remanded back to the file of the AO for de novo assessment in accordance with law after affording reasonable opportunity of hearing to the appellant.

8. Since the quantum appeal is restored, the appeal challenging levy of penalty u/s. 271(1)(c) of the Act in ITA No. 726/Coch/2024 is restored back to the AO.

9. In the result, the appeals filed by the assessee are allowed for statistical purposes.

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

Sd/-
(PRAKASH CHAND YADAV)
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