

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR "SMC" BENCH : NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER

ITA.Nos.554 & 555/NAG./2024 [E-APPEALS]
Assessment Years 2015-2016 & 2016-2017

R B Graminbigar Sheti Sahkari Pat Sanstha, M Kapsi Khurd, Plot No.120, Navin Nagar, Bazar Chowk, Shyam Nagar, Puna Par Road, Pardi, Nagar, NAGPUR-440 035. PAN AABAR1347R Maharashtra.	vs.	The Income Tax Officer, Ward-4(3), BSNL RTTC Bldg., Near Balaji Mandir, Seminary Hills, NAGPUR – 440 006. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Abhishek Kumar, Advocate
For Revenue :	Shri Abhay Y. Marathe, Sr. DR

Date of Hearing :	23.01.2025
Date of Pronouncement :	03.02.2025

ORDER

PER V. DURGA RAO, J.M. :

The above two appeals have been filed by the assessee against the orders both dated 11.06.2024, of the learned CIT(A)-National Faceless Appeal Centre, Delhi, relating to assessment years 2015-2016 and 2016-2017.

2. Briefly stated facts of the case are that the assessee is a Co-operative Credit Society and engaged in the business of providing credit facilities to its members. It is registered under the Maharashtra State Co-Operative Societies Act, 1960. It did not file its return of income during the impugned assessment years 2015-2016 and 2016-2017. The case of the assessee society was selected by Risk Management Strategy formulated by the CBDT through INSIGHT under the Head "RMS Cycle-2 [Non-filing of Return] case. Accordingly, the reopened the case of the assessee for the impugned assessment years u/sec.147 of the Act by taking necessary approval from the Competent Authority. During the course of assessment proceedings, the Assessing Officer noted that the assessee has made cash deposit of Rs.1,82,68,500/- for the A.Y. 2015-2016 and Rs.1,21,38,000/- for the A.Y. 2016-2017. The Assessing Officer issued statutory notices u/sec.142(1) of the Act and in response thereto, the assessee filed its reply for the impugned assessment years. After considering the documents furnished by the assessee i.e., copy of balance

sheet & P & L A/c as on 31.03.2016, copy of ITR, computation of income, ledger copy of bank a/c maintained with Umiya Urban Coop Bank Ltd., Copy of registration certificate along with Bye-Laws of society, List of Members and Audit report carried out by Registrar of Cooperative Societies, the Assessing Officer disallowed the claim of deduction u/sec.80P(2)(a)(i) of the Act to the tune of Rs.1,61,488/- for the assessment year 2015-2016 and Rs.2,55,744/- for the assessment year 2016-2017 vide orders passed u/sec.13.03.2023 and 04.03.2024 for the impugned assessment years u/sec.147 r.w.s.144B and 147 r.w.s.144 r.w.s.144B of the Act; respectively.

3. On being aggrieved, the assessee carried the matter in appeals before the learned CIT(A) and the learned CIT(A) upheld the deductions made by the Assessing Officer u/sec.80P(2)(a)(i) of the Act for the impugned assessment years.

4. The sole substantive ground raised by the in the instant appeals are that the assessee society was not allowed its deduction of claims of Rs.1,61,488/- and Rs.2,55,744/-

u/sec.80P(2)(a)(i) of the Act for the assessment years 2015-2016 and 2016-2017.

5. During the course of hearing, at the outset, I drew the attention of both the parties that the assessee did not file its returns of income u/sec.139(1) of the Act for the impugned assessment years 2015-2016 and 2016-2017 and according to Sec.80A(5) of the Act – Where the assessee fails to make a claim in his return of income for any deduction u/sec.10A or section 10AA or section 10B or section 10BA or under any provision of this Chapter under the heading “C” – deduction in respect of certain incomes” no deduction shall be allowed to him thereunder. Since, in the instant appeals, the assessee did not file its returns of income for the impugned assessment years 2015-2016 and 2016-2017, the learned CIT(A) has rightly upheld order of the Assessing Officer. I, therefore, find no infirmity in the order of the learned CIT(A) and confirm the same. Grounds of appeal raised by the assessee in both the appeals are accordingly dismissed.

6. In the result, both the appeals of the Assessee are dismissed. A copy of this common order be placed in the respective case files.

Order pronounced in the open Court on 03.02.2025.

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Nagpur, Dated 03rd February, 2025

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The CIT(A), Nagpur concerned
4.	The CIT, Nagpur concerned
5.	The D.R. ITAT, Nagpur SMC-Bench, Nagpur
6.	Guard File.

//By Order//

//True Copy//

Sr. Private Secretary : ITAT : Nagpur Bench,
Nagpur.