



आयकर अपीलीय अधिकरण "ए" न्यायपीठ पुणेमें।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCHES "A" :: PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER  
AND  
SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.1329/PUN/2024

निर्धारण वर्ष / Assessment Year: 2021-22

Shree Ambika Gramin Bigarsheti Sahakri Patsanstha Maryadit, Khodad, Junnar, Pune – 410504. PAN: AADAS2545Q	V s	The Income Tax Officer, Ward-10(1), Pune.
Appellant/ Assessee		Respondent / Revenue

Assessee by	Shri Kishor B Phadke – AR
Revenue by	Shri Ramnath P Murkude – DR
Date of hearing	19/02/2025
Date of pronouncement	04/03/2025

**आदेश/ ORDER**

**PER DR. MANISH BORAD, AM:**

This is an appeal filed by the assessee against the order of  
ld.Commissioner of Income Tax(Appeals)[NFAC] for Assessment  
Year 2021-22 dated 08.03.2024 passed u/sec.250 of the Income tax  
Act, 1961.

1.1 Registry informed that there is a delay 35 days. We have  
carefully gone through the Affidavit and notice that on account of



non-communication by consultant who was looking after the tax work of the assessee about the passing of the impugned order, the instant appeal could not be filed in time and considering it to be a reasonable cause, we condone the delay and admit it for admit for adjudication.

1.2 The Assessee has raised the following grounds of appeal :

*“1. The learned ADDL/ICIT (A)-2, Vadodara (hereafter referred to as CIT(A)) erred in laws and on facts in confirming the appellant's income assessed by the learned AO amounting to Rs. 1,12,77,720/- instead of Rs. 11,80,430/- as declared by appellant.*

*2. The learned CIT(A), erred in law and on facts in passing an ex-parte appellate order without granting an appropriate opportunity for hearing thus violating the principle of natural justice. Learned CIT(A) ought to have condoned the delay in filing the appeal as the delay was due to genuine hardship faced by the appellant.*

*3. The Learned IT authorities erred in law and on facts in issuance of intimation order u/s 143(1) of ITA, 1961 without adhering to the requisite procedures of issuance of proposed adjustment u/s 143(1)(a) of the ITA, 1961 and here by violating "principle of natural justice" and making order u/s 143(1) of the ITA, 1961 as bad in law.*

*4. The learned CIT(A) erred in law and on facts in disallowing appellant's claim of amount of Rs. 1,00,97,288/- deduction u/s 80P(2)(d) of the ITA, 1961. The learned CIT(A) ought to have appreciated that various courts have held, deduction u/s 80P(2)(d) of the ITA, 1961 is allowable to co-operative society on interest income earned from fixed deposits with co-operative banks.*

*5. The learned CIT(A) erred in law and on facts in not appreciating that supreme court in the case of The Mavilayi service Co-operative Bank Ltd. and ORS. Vs. Commissioner of Income Tax (2021) 431 ITR 1(SC)*



*has held that interest income earned by a Co-operative society from a Co-operative bank is entitled for deduction u/s 80P(2)(d) of ITA, 1961.*

*6. The learned CIT(A) erred in law and on facts in not appreciating that the interest on deposits with co-operative bank, are covered under the concept of "mutuality" and hence not taxable.*

*7. The learned CIT(A) erred in law and on facts in not appreciating that deduction u/s 80P(2)(d) of ITA, 1961 has been allowed to appellant since past many years and there violating the principle of consistency / res judicata as so held by Apex Court in Radhasoami Satstang vs CIT [1992] 60 Taxman 248 (SC).*

*8. Appellant trust craves leave to add / modify / delete / amend al / any of the grounds of appeal."*

2. At the outset, ld.Counsel for that assessee stated that the appeal before the ld.CIT(A) filed against the adjustment made by CPC in the order under section 143(1)(A) of the Income Tax Act, 1961 was delayed by 299 days ld.CIT(A) did not condone the delay and the adjustment made towards denial of deduction under section 80P(2)(d) of the Act was affirmed. He prayed that the matter may be restored to the lower authorities for necessary adjudication.

3. On the other hand, ld.Departmental Representative(ld.DR) for the Revenue supported the order of ld.CIT(A).

4. We have heard rival contentions and perused the record placed before us. Benefit of deduction under section 80P(2)(d) of the Act



has been denied by the assessee. Our attention was drawn to the order of CPC where on one hand at page 13 of the CPC deduction claimed by the assessee under section 80P(2)(d) of the Act, at Rs.1,00,97,288/- has been stated to be an amount eligible for deduction in the processing sheet under section 143(1)(a) of the Act. However, on Page 2 of the CPC order, the deduction under section 80P(2)(d) has been denied. There is an anomaly in the processing of the Income Tax Return. Though the assessee challenged the said adjustment before the Id.CIT(A), but the appeal got barred by limitation by 299 days and the said delay was purely on account of the person looking after the taxation work and was having access on the Email-id who did not responded to the CPC intimation by filing appeal before the Id.CIT(A) in time.

4.1 However, considering the facts and circumstances of the case and also the discrepancy observed by us. in the CPC processing under section 143(1)(a) of the Act, discussed(supra), we deem it appropriate to restore the issue raised by the assessee on merits of the case regarding claim of deduction under section 80P(2)(d) of the Act, to the file of Learned Jurisdictional Assessing Officer(in short “JAO”), who shall provide reasonable opportunity to the assessee



and decide the issue afresh in accordance with law. The Assessee is directed to provide correct Email-Id to the Department for getting notices through ITBA portal. Assessee is also directed to remain vigilant and not to seek adjournment unless otherwise required. Accordingly, grounds of appeals raised by the assessee are allowed for statistical purpose.

5. In the result, appeal of the assessee is allowed for statistical purpose.

Order pronounced in the open Court on 4<sup>th</sup> March, 2025.

**Sd/-**  
**(VINAY BHAMORE)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(DR. MANISH BORAD)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 4<sup>th</sup> March, 2025/ SGR\*

**आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच, पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्डफाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे/ITAT, Pune.