



IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "SMC", PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA Nos.369, 370 & 371/PUN/2025
Assessment Years : 2017-18, 2018-19 & 2020-21

Shri Viroba Nagari Sahakari Patsanstha Maryadit, Near Purva Vesh, Shubham Corner, A/P Narayangaon, Tal.- Junnar, Dist.-Pune-410504 PAN : AABAS8708H	Vs.	ITO, Ward- 10(1), Pune
Appellant		Respondent

Appellant by	:	Shri Abhay Avachat
Revenue by	:	Shri Basavaraj Hiremath
Date of hearing	:	25.03.2025
Date of pronouncement	:	28.03.2025

आदेश / ORDER

PER DR. MANISH BORAD, AM :

The captioned three appeals pertaining to the Assessment Years 2017-18, 2018-19 and 2020-21 at the instance of assessee are directed against the separate orders passed by National Faceless Appeal Centre, Delhi u/s.250 of the Income-tax Act, 1961 (in short 'the Act') which inturn are arising out of the respective Assessment orders.

2. Registry has informed that ITA No. 369/PUN/2025 is delayed by 439 days, ITA Nos. 370 & 371/PUN/2025 are delayed by 408 days respectively. Affidavit has been filed explaining the reasons for the said delay. After hearing both the sides, we observe that the main reason for the delay was on account of



email id of the employee who was working as Accountant in the society but left the job in August, 2023. Due to this reason the impugned orders which were passed in the year 2023 could not be noticed by the assessee society. Subsequently, when new email id was registered on the e-portal in the January, 2025 penalty notices were received through which the assessee society came to know about the impugned orders and then had filed the instant appeals. Considering the reasons mentioned in the affidavit and also taking guidance from the judgment of the Hon'ble Supreme Court in the case of *Collector Land Acquisition Vs. MST Katiji (1987) 167 ITR 471 (SC)*, we find that the assessee would not have gained from delaying the appeal and therefore condone the delay and admit the instant appeals for adjudication on merits.

3. Common issue raised in all these three appeals are as to whether the assessee is eligible for deduction u/s. 80P(2)(d) of the Act for the interest income earned from investments/ deposits with Co-operative Banks.

4. The Ld. Counsel for the assessee at the outset stated that the issue is squarely covered in favour of the assessee by the plethora of decisions and therefore the assessee deserves to succeed.

5. On the other hand, the Ld. Departmental Representative referred to the impugned orders and also brought our attention to section 194A(3)(5) of the Act stating that Co-operative Banks are considered separate from Co-operative Society.

6. We have heard the rival contentions and perused the record placed before us. In the instant three appeals, the



common issue is as to whether the assessee is eligible for deduction u/s 80P(2)(d) of the Act for the interest income earned from the deposits held with Pune District Central Co-operative Bank. We find that this issue are whether interest of Co-operative Bank is eligible for deduction u/s 80P(2)(d) of the Act has been consistently held to be allowable u/s 80P(2)(d) of the Act by catena of decisions by this Tribunal. It has been held that since the Co-operative Banks are basically Co-operative Societies, therefore, the interest income earned from Co-operative Bank is also to be treated as interest income earned from Co-operative Society. Reliance placed on the decision of this Tribunal in the case of *Ugar Sugar Works Kamgar & Dr. Shirgaokar Shaikshanik Trust Nokar Co-op Credit Society vs. ITO in ITA No.84/PAN/2018, dated 27.05.2022.* Respectfully following the decision referred (supra) we are inclined to hold that the assessee deserves to succeed on the issue raised in the instant appeals and the Ld. Assessing Officer is directed to grant the deduction u/s 80P(2)(d) of the Act for the interest income earned from the Co-operative Banks during the impugned years. Effective grounds of appeals raised in the instant appeals are allowed.

7. In the result, all the three appeals of the assessee are allowed.

Order pronounced on this 28th day of March, 2025.

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 28th March, 2025.

RK



ITA Nos.369, 370 & 371/PUN/2025

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच,
पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

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