

आयकर अपीलीय अधिकरण, "ए" न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA 2996 / Chny/2024, Assessment Years-2018-19

आयकर अपील सं./ITA 2997 / Chny/2024, Assessment Years-2019-20

The Suramangalam Cooperative House
Building Society Limited
No.13, Bharathiyar Street,
Suramangalam, H.O,
Salem.
Tamil Nadu-636 005.
[PAN: AABAT0705B]

Income Tax Officer,
Ward-1(1),
Salem

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by

: Mr..S.Sridhar, Advocate (Erode)
by virtual

प्रत्यर्थी की ओर से /Revenue by

: Dr.I.Roopa, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 27.02.2025

घोषणा की तारीख /Date of Pronouncement

: 04.04.2025

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

The below mentioned appeals have been filed by the appellant assessee for AY-2018-19 and AY-2019-20 contesting the order of Ld. First Appellate Authority indicated Column-E, herein below:-

S. No.	Appeal Nos.	AYs	Appellant	CIT(A) Order Details	Respondent
A	B	C	D	E	F
1	ITA No. 2996 / Chny / 2024	2018-19	The Suramangalam Cooperative House Building Society Limited No.13, Bharathiyar Street, Suramangalam, H.O, Salem. [PAN: AABAT0705B]	DIN & Order No. ITBA / NFAC / S / 250 / 2024-25 / 1070292490(1) dated 12.11.2024	Income Tax Officer, Ward-1(1), Salem
2	ITA No. 2997 / Chny / 2024	2019-20		DIN & Order No. ITBA / NFAC / S / 250 / 2024-25 / 1070337589(1) dated 13.11.2024	

2.0 The twin appeals are centering around a common issue and hence for the purposes of convenience, adjudicated together. For the purposes of this adjudication the facts and figures for AY-2018-19 have been taken. The decision for AY-2018-19 shall apply mutatis mutandis for appeal AY-2019-20.

3.0 In ITA No.2996 for AY-2018-19, appellant assessee has contested that the action of the Ld. AO in not allowing it deduction u/s 80P of the Act. The Ld. Counsel for the assessee submitted that, admittedly, it had filed belated return as result of which deduction claimed u/s 80P of the Act was disallowed and affirmed by the Ld. First Appellate Authority. The Ld. Counsel further submitted that in compliance to latest CBDT instruction empowering CCIT to condone the delay in specified cases, it has petitioned condonation of delay and the same was pending. It was urged that in the event of its application getting accepted, it will become entitled for 80P deduction. The Ld. DR relied upon the orders of lower authorities.

4.0 We have heard rival submissions in the light of material available on records. The only issue in the case is the denial of deduction u/s 80P on account of belated return filed by the assessee. In consideration of latest CBDT instruction, the assessee has petitioned condonation of delay before the competent authority. We therefore in the interest of

justice, set aside the order of lower authorities and direct the Ld.CIT(A) to await decision of the competent authority qua assessee's petition for condonation of delay and decide accordingly. The grounds of appeal raised by the assessee are allowed for statistical purposes.

5.0 In the result the assessee's appeal for ITA No.2996 is allowed for statistical purposes.

6.0 The decision taken herein above shall apply in assessee's appeal vide ITA No.2997 for AY-2019-20, mutatis mutandis.

Order pronounced on 4th, April-2025 at Chennai.

Sd/-

(एबी टी. वर्की)

(ABY T VARKEY)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 4th, April-2025.
KB/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Assessee:
2. प्रत्यर्थी/Revenue
3. आयकर आयुक्त/CIT - Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF