

society. The return of income for AY 2023-24 was filed on 13.12.2023 disclosing Nil income after claiming deduction u/s. 80P(2)(a)(i) of the Income Tax Act, 1961 (the Act). Against the said return of income, the assessment was completed by the CPC u/s. 143(1) vide intimation dated 24.04.2024 by making adjustment of disallowance claimed for deduction u/s. 80P of the Act for the reason that the return was not filed within the due date prescribed u/s. 139(1) of the Act placing reliance on the provisions of section 80AC of the Act.

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 appellant is in appeal before this Tribunal in the present appeal.

5. At the time of hearing of the appeal, the learned counsel for the assessee submitted that the appellant had filed a petition seeking condonation of delay before the Pr. Commissioner of Income Tax, which is pending disposal. We are of the considered opinion that the Tribunal has no power to condone the delay in filing return of income and the CPC had rightly made adjustment by disallowing the deduction u/s. 80P of the Act as the return of income was not filed within the due date.

6. In the result, the appeal filed by the assessee stands dismissed.

Order pronounced in the open court on 27th June, 2025.

Sd/-
(PRAKASH CHAND YADAV)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 27th June, 2025

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

Assistant Registrar
ITAT, Cochin