

**IN THE INCOME TAX APPELLATE TRIBUNAL  
"H (SMC)" BENCH, MUMBAI**

**SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER  
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER**

**ITA No.2596/MUM/2025  
(Assessment Year:2014-2015)**

**New Sarnath Co Op Housing Society Limited**

Sarnath 59 B, Bhulabhai Desai, Breach Candy

Mumbai - 400026.

[PAN:AABAN6750E]

..... **Appellant**

Vs

**Commissioner of Income Tax (Appeal),  
Mumbai**

Piramal Chamber, Mumbai – 400012.

..... **Respondent**

**Appearance**

For the Appellant/Assessee

: Shri Pawan Choudhary

For the Respondent/Department

: Shri Pravin Salunkhe

**Date**

Conclusion of hearing

: 24.07.2025

Pronouncement of order

: 31.07.2025

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**ORDER**

**Per Rahul Chaudhary, Judicial Member:**

1. The present appeal preferred by the Assessee is directed against the order, dated 07/04/2025, passed by the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'the **CIT(A)**'] under Section 250 of the Income Tax Act, 1961 [hereinafter referred to as 'the **Act**'] whereby the Ld. CIT(A) had dismissed the appeal against the Intimation Order, dated 22/01/2015, passed under Section 143(1) of the Act for the Assessment Year 2014-2015.
2. The Assessee has raised following grounds of appeal :

*"Ground- In the view of the foregoing para u/s. 143(1)(a) the process return is based on the return of income and statement accompanies the CPC have no power to reject the claim deduction without assigning any reason and therefore an addition of*

*Rs.2,77,235/- has to be deleted u/s.143(1)(a) stage which Learned Commissioner of Income Tax (Appeal) has completely ignore, this substantive provisions.*

*In the facts and circumstances of the case the Learned Commissioner of Income Tax (Appeal) has completely ignored on the merit of the case, and only dealt with delay in filing appeal.*

*The Appellant is a registered Co-operative Housing Society registered under Maharashtra State Co-operative Societies Act, 1960 registration No.Bom/WD/HSG/TC/8115 dated 29<sup>th</sup> September, 2000, and eligible for benefit of deduction u/s.80P(2)(d) of the Income Tax Act, 1961”*

3. The relevant facts in brief are the Assessee, a Co-operative Society filed return of income for the Assessment Year 2014-2015 claiming deduction of INR.2,77,235/- under Section 80P(2)(d) of the Act which was processed under Section 143(1) of the Act and the aforesaid deduction claimed by the Assessee under Section 80P(2)(d) of the Act was denied vide Intimation dated 22/01/2015. Being aggrieved, the Assessee preferred appeal before CIT(A) against the aforesaid Intimation, dated 22/01/2015, issued under Section 143(1) of the Act which was dismissed vide order, dated 14/02/2025. Being aggrieved, the Assessee has preferred the present appeal before the Tribunal on the grounds reproduced in Paragraph 2 above.
4. We have heard the rival submissions and have perused the material on record. It emerges that the deduction claimed by the Assessee under Section 80P(2)(d) of the Act in respect of interest income of INR.2,78,773/- received from the Co-operative Banks, claimed by the Assessee to have constituted as a registered co-operative society, was denied while processing return of income. Before the CIT(A) the Assessee produced interest certificate in respect of interest aggregating to INR.1,09,038/- only and therefore, the source of the balance interest income in respect of the deduction under Section 80P(2)(d) of the Act remained unclear. During the

course of hearing the Learned Authorized Representative for the Assessee submitted that the Assessee has now been able to procure interest certificates in respect of the balance interest income as well and sought another opportunity to make out a case for allowance of deduction of INR.2,77,235/- as claimed by the Assessee under Section 80P of the Act. Per contra the Learned Departmental Representative submitted that the Assessee had failed to furnish relevant details and documents before the CIT(A) even after a lapse of 10 years from the date of issuance of intimation under Section 143(1) of the Act; and therefore, there was no infirmity in the order passed by CIT(A). Having given thoughtful considerations to the rival submissions and on perusal of record, we find that the interest certificates produced by the Assessee ex-facie show that the Assessee had received interest income from co-operatives banks. Accordingly, we deem it appropriate to grant another opportunity to the Assessee and restore the issue back to the file of Assessing Officer with the direction to adjudicate the claim of deduction under Section 80P of the Act as per the provisions contained in Section 143(1)(a) of the Act read with Proviso and Explanation thereto. Since we have remanded the issue back to the file of the Assessing Officer, all the rights and contentions of both the sides are left open. In terms of aforesaid ground raised by the Assessee (*reproduced in Paragraph 2 above*) is treated as allowed for statistical purpose.

5. In result the appeal preferred by the Assessee is treated as allowed for statistical purpose.

Order pronounced on 31.07.2025.

Sd/-  
**(Om Prakash Kant)**  
**Accountant Member**

Sd/-  
**(Rahul Chaudhary)**  
**Judicial Member**

मुंबई Mumbai; दिनांक Dated : 21.07.2025  
Milan,LDC

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त/ The CIT
4. प्रधान आयकर आयुक्त / Pr.CIT
5. विभागीय प्रतिनिधि ,आयकर अपीलीय अधिकरण ,मुंबई / DR,  
ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार /(Dy./Asstt. Registrar)  
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai