

**IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'G' BENCH,
NEW DELHI**

**BEFORE MS. MADHUMITA ROY, JUDICIAL MEMBER, AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

ITA No. 1597/DEL/2025 [A.Y. 2019-20]

Shri Sain Samaj Co-operative
Thrift and Credit Society Ltd
D-136, Gali NO. 4, Bhajanpura
New Delhi

Vs.

The I.T.O
Ward - 60(7)
New Delhi

PAN - AAWAS 0022 M

(Applicant)

(Respondent)

Assessee By : Shri Mohit Chaudhary, CA

Department By : Shri Manish Gupta, Sr. DR

Date of Hearing : 14.08.2025

Date of Pronouncement : 19.08.2025

ORDER

PER NAVEEN CHANDRA, A.M:-

This appeal by the assessee is preferred against the order of Id.
CIT(A), New Delhi dated 18.01.2025 for A.Y 2019-20.

2. The only substantive ground raised by the assessee is that the ld. CIT(A) erred in disallowing the claim of deduction u/s 80P to the assessee.

3. Briefly stated, the facts of the case are that the assessee, Shri Sain Samaj Cooperative Thrift & Credit Society Limited filed its Return of Income on 31.10.2019. The assessee received intimation u/s 143(1) of the Income Tax Act, 1961 on 29.03.2021 where the claim of the assessee of deduction of Rs. 69,12,760/- u/s 80P(2)(a)(i) from banking business or for income from providing credit facilities to its members, was denied. The assessee filed Rectification Request under section 154 of the Act, 1961 to give effect of deduction u/s 80P(2)(a)(i) of the Act amounting to Rs. 69,12,760/-, which was rejected on the ground that there is no mistake apparent on record vide order dated 11.05.2021.

4. On appeal before the CIT(A), the CIT(A) declined to interfere with the intimation passed by AO(CPC) u/s 143(1) of the I.T. Act and held that the appellant is not eligible for claim of deduction u/s 80P(2)(a)(i) of the I.T. Act in the absence of any such claim made by the appellant in the return of income filed. Aggrieved the assessee is before us.

5. The ld counsel of the assessee stated that the claim for deduction u/s 80P was made in the return of income under wrong column col.5d of schedule BP. In view of the same, neither the AO/CPC nor the CIT(A) considered the deduction.

6. We have heard the rival submissions and have perused the materials on record. We find that the CIT(A) has given a finding that vide schedule BP, giving computation of income from business or profession, the assessee has shown profit before tax as per P&L A/c of Rs.69,12,760/- and in col. 5b under schedule BP appellant has shown share of income from AOP/BOI of Rs.69,12,760/- and the same has been claimed exempt in col.5d of schedule BP. We find that since the assessee claimed the deduction under wrong column in the return of income filed, its claim of deduction u/s 80P(2)(a)(i) of the I.T. Act has been denied.

7. We further find that in Tax Audit for the relevant F.Y., at Point No. 33 on Page No. 20 of TAR, the tax auditor has stated that the eligible deduction was to be provided u/s 80P(2)(a) (i) of the Act. Tax Audit Report has been furnished on record. All the above relevant facts and data with respect to the deduction under section 80P were already there before the assessing authorities. Therefore, if the legitimate relief

or deduction is put in the wrong column while filing the Income Tax Return for the year under consideration, it can at most be termed as a technical default and cannot be the reason for denying the legitimate claim of the assessee. In that view of the matter, we remit the matter to the file of the Assessing Officer for taking necessary action on this count and allow the claim of assessee after verification.

8. In the result, the appeal of the assessee in ITA No. 1597/DEL/2025 is allowed for statistical purposes.

The order is pronounced in the open court on 19.08.2025.

Sd/-

[MADHUMITA ROY]
JUDICIAL MEMBER

Sd/-

[NAVEEN CHANDRA]
ACCOUNTANT MEMBER

Dated: 19th AUGUST, 2025.

VL/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,
ITAT, New Delhi

| Sl No. | PARTICULARS | DATES |
|--------|---|-------|
| 1. | <i>Date of dictation of Tribunal Order</i> | . |
| 2. | <i>Date on which the typed draft Tribunal Order is placed before the Dictation Member</i> | |
| 3. | <i>Date on which the typed draft Tribunal Order is placed before the other Member</i> | |
| 4. | <i>Date on which the approved draft Tribunal Order comes to the Sr. P.S./P.S.</i> | |
| 5. | <i>Date on which the fair Tribunal Order is placed before the Dictating Member for pronouncement</i> | |
| 6. | <i>Date on which the signed order comes back to the Sr. P.S./P.S</i> | |
| 7. | <i>Date on which the final Tribunal Order is uploaded by the Sr. P.S./P.S. on official website</i> | |
| 8. | <i>Date on which the file goes to the Bench Clerk alongwith Tribunal Order</i> | |
| 9. | <i>Date of killing off the disposed of files on the judiSIS portal of ITAT by the Bench Clerks</i> | |
| 10. | <i>Date on which the file goes to the Supervisor (Judicial)</i> | |
| 11. | <i>The date on which the file goes for xerox</i> | |
| 12. | <i>The date on which the file goes for endorsement</i> | |
| 13. | <i>The date on which the file goes to the Superintendent for checking</i> | |
| 14. | <i>The date on which the file goes to the Assistant Registrar for signature on the Tribunal order</i> | |
| 15. | <i>Date on which the file goes to the dispatch section</i> | |
| 16. | <i>Date of Dispatch of the Order</i> | |