

IN THE INCOMETAX APPELLATE TRIBUNAL
COCHIN BENCH

**BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND SHRI SONJOY SARMA, JUDICIAL MEMBER**

I.T.A. No.324/COCH/2025

Assessment Year: 2015-16

Thonnakkal Service Co-Op Bank.....Appellant
Thonnakkal Service Co-Op Bank No.1754,
Kudavoor-695313.
[PAN:AABAT0018R]

vs.

ITO, Ward-2(1), TVR.....Respondent

Appearances by:

Shri Rajeev, Adv, appeared on behalf of the assessee.

Smt. Leena Lal, Snr AR, appeared on behalf of the Revenue.

Date of concluding the hearing: June 05, 2025

Date of pronouncing the order: July 31, 2025

ORDER

Per Sonjoy Sarma, Judicial Member:

This appeal by the assessee is directed against the order of the CIT(A), National Faceless Appeal Centre (NFAC), dated 05.03.2025], for the assessment year 2015-16.

2. The brief facts of the case are that the assessee is a Primary Agricultural Credit Society registered under the Kerala Co-operative Societies Act, 1969. The original assessment under section 143(3) of the Income-tax Act, 1961, was completed and was the subject of appeal before the CIT(A), who vide order dated 10.12.2018, allowed the claim of the assessee under section 80P(2) of the Act.

3. Against which the Revenue filed a second appeal before the ITAT, Cochin Bench. The Tribunal, allowed the Revenue's appeal with a direction to the Assessing Officer to examine the activities of the assessee and determine whether

they are in conformity with the provisions of the Kerala Co-operative Societies Act, 1969, and accordingly grant or deny deduction under section 80P(2) of the Act.

4. Subsequently, assessment under section 143(3) read with the Tribunal's direction was completed on 28.06.2021. However, the assessee contends that neither the Tribunal's order nor the subsequent assessment order was ever received, as they were allegedly sent to an incorrect or inactive email ID.

5. The assessee first came to know about the assessment order upon receiving a penalty appeal notice from the CIT(A), NFAC, dated 02.06.2023. Immediately upon gaining such knowledge, the assessee searched for and procured a certified copy of the Tribunal's order and assessment order and thereafter filed an appeal before the CIT(A), NFAC, on 08.06.2023 along with a condonation petition explaining the delay of 681 days in filing the appeal.

6. It is submitted that despite the genuine reasons for the delay and non- receipt of prior notices, the CIT(A) dismissed the appeal ex parte without considering the reasons for delay or the merits of the case. The primary grievance of the assessee is the non-consideration of its condonation request and non-service of notices on the correct email ID assessee could represent its case properly.

7. On the other hand, Id. DR. supported the order of authority below. We have heard the rival submissions and perused the materials available on record. We find merit in the contention of the assessee that the delay in filing the appeal was not considered in accordance with law. The Id. CIT(A) dismissed the appeal without examining whether the delay was bona fide and without addressing the assessee's claim of non-receipt of notices due to incorrect email communication.

8. We after considering the same and in the interest of natural justice, are of the view that the matter should be restored to the file of the CIT(A), NFAC, with direction to adjudicate the condonation petition and decide the appeal on merits after affording adequate opportunity to the assessee. The assessee is also directed to co-operate with the CIT(A) and respond to notices promptly.

9. In the result, the appeal of the assessee is allowed for statistical purposes.

31st July, 2025

Sd/-
[Inturi Rama Rao]
लेखा सदस्य/**Accountant Member**

Sd/-
[Sonjoy Sarma]
न्यायिक सदस्य/**Judicial Member**

Dated: 31.07.2025

Copy of the order forwarded to:

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

//True copy//

By order

Assistant Registrar/Sr. PS, Cochin Benches