

IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

I T A. No.198/PAN/2025

(A.Y. 2014-15)

Pende Taluka Farmers Service Co-operative Society Limited, Sahakar Bhawan, Pernem, Goa-403512.	Vs	I T O Ward2(2), Aaykar Bhavan, EDC, Patto, Panjim Goa-403001.
PAN .No. AAAAP0651P		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	Shri.Arun .F.Naik.AR
Revenue by	Shri.Guru Kumar.S.Sr.DR

सुनवाई की तारीख/Date of Hearing	22.09.2025
घोषणा की तारीख/Date of Pronouncement	23.09.2025

ORDER

PER PAVAN KUMAR GADALE, JM:

The appeal is filed by the assessee against the order of the ADDL/JCIT (A)-12 Mumbai passed u/sec 143(3) and u/sec 250 of the Act.

2. At the time of hearing, the Ld.AR submitted that there is a delay of 154 days in filing the appeal before the Hon'ble Tribunal and the assessee has filed the application and affidavit for condonation of delay. Whereas, the facts mentioned in the affidavit are reasonable and sufficient cause is explained and the Ld. DR has no specific objections. Accordingly, condone the delay and admit the appeal. The assessee has raised the grounds of appeal

challenging the order of the CIT(A) sustaining disallowance of claim of deduction u/sec80P of the Act by the Assessing Officer.

3. The brief facts of the case are that, the assessee is a cooperative society registered under the Goa Cooperative Society Act 2001 and is engaged in the business of retailers of grocery, consumer goods, agricultural goods and providing credit facilities to its members. The assessee has filed the return of income for the A.Y 2014-15 disclosing a total income of Rs. Nil after claiming deduction of Rs.38,61,056/- u/sec 80P of the Act. Subsequently the case was selected for complete scrutiny under CASS. Further notice u/sec143 (2) and u/sec 142(1) of the Act are issued calling for details in support of return of income filed. In compliance, the Ld.AR of the assessee appeared from time to time and has filed the financial statements and details and also produced the books of accounts. The A.O dealt on the material information and provisions of section 80P(2)(a)(i) and section 80P(2)(d) of the Act and the judicial decisions Whereas the Assessing Officer (A.O.) was not satisfied with the explanations of the assessee and recomputed the total income and partly denied the claim of deduction u/sec80P of the act and similarly made disallowance of depreciation and assessed the total income of Rs.12,64,240/- and passed the order u/sec 143(3) of the Act dated 02-12-2016.

4. Aggrieved by the order, the assessee has filed an appeal before the CIT(A), whereas the CIT(A) has considered the grounds of appeal, statement of facts, submissions and findings of the AO but has sustained the disallowance u/sec80P of the Act and granted marginal relief in other grounds of appeal and partly allowed the assessee appeal. Aggrieved by the order of the CIT(A), the assessee has filed the appeal before the Hon'ble Tribunal.

5. At the time of hearing, the Ld.AR submitted that the CIT(A) has erred in confirming the action of the Assessing officer overlooking the submissions and not accepting the details filed by the assessee in the appellate proceedings and further the assessee has a good case on merits and shall substantiate with the material evidences and prayed for an opportunity to explain before the lower authorities. Per Contra, the Ld.DR supported the order of the CIT(A).

6. Heard the rival submissions and perused the material on record. The sole crux of the disputed issue that the CIT(A) has erred in sustaining disallowance of deduction u/sec80P of the Act without providing proper opportunity and overlooking the facts and material evidences. The assessee has filed all the details before the lower authorities and the CIT(A) has not considered the documents and information supporting the claim of the assessee. Prima-facie, the CIT(A) has dealt on the findings of the AO and has not considered the

submissions/evidences of the assessee filed in the proceedings and has not allowed the grounds of appeal. Therefore, considering the overall facts, circumstances and principles of natural justice shall provide with one more opportunity of hearing and accordingly restore the disputed issue to the file of the CIT(A) to adjudicate a fresh on merits and the CIT(A) shall provide adequate opportunity of hearing to the assessee and the assessee should also cooperate in submitting the information for early disposal of the appeal and the grounds of appeal of the assessee are allowed for statistical purpose.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 23.09.2025.

**Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER**

Panaji Dated: 23/09/2025

Copy of the Order forwarded to:

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

**BY ORDER,
(Asstt. Registrar)ITAT,
Panaji**

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			