

IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

I T A. Nos. 207/PAN/2025

(A.Y. 2015-16)

Kamadhenu Vivid Udheshagala Souhard Sahakari Niyamita, Siddeshwar Road, near SBI, Atheni,Belagavi-591304, Karnataka.	Vs	I T O, National e Assessment Centre, Delhi.
PAN .No.AABAK0473B		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	None(Submissions dt 4-09-25)
Revenue by	Shri.Ish Gupta.Sr.DR

सुनवाई की तारीख/Date of Hearing	15.09.2025
घोषणा की तारीख/Date of Pronouncement	16.09.2025

ORDER

PER PAVAN KUMAR GADALE, JM:

The appeal is filed by the assessee against the order of National Faceless Appeal Centre (NFAC) Delhi / CIT(A) passed u/sec 143(3) r.w.s263 and u/sec 250 of the Act. The assessee has raised the grounds of appeal challenging the ex-parte order of the CIT(A) sustaining the denial of claim of deduction u/sec80P2(a)(i) of the Act.

2. At the time of hearing, it was brought to the knowledge of the bench, that there is a delay in filing the appeal before the Hon'ble Tribunal and the assessee has filed an application and the affidavit for condonation of delay. Whereas, the facts mentioned in the affidavit are

reasonable and the Ld. DR has no specific objections. Accordingly, condone the delay and admit the appeal.

3. The brief facts of the case are that, the assessee is a cooperative credit society and has filed the return of income for the A.Y 2015-16 on 15.03.2016 disclosing a total income of Rs.NIL after claiming deduction u/sec 80P of the Act. Further the case was selected for scrutiny under CASS and the Assessing officer has assessed the income of Rs.3,97,690/- and passed the order u/sec 143(3) of the Act dated 28.07.2017. Subsequently the Pr.CIT has issued the revision notice and the assessing officer was directed to pass fresh order and the revision order was passed by the Pr.CIT u/sec 263 dated 28.07.2017. As per the directions the Assessing officer has issued notice u/sec 142(1) of the Act and the assessee has filed the details. The Assessing Officer (A.O) has dealt on the submissions/details of regular members and associate members and find that the assessee is not eligible for claim of deduction under section 80P of the Act and also the A.O. was not satisfied with the explanations and dealt on the provisions and judicial decisions and denied the claim of deduction u/sec 80P2(a)(i) of the act of Rs.18,23,819/and assessed the total income of Rs.17,94,037/- and passed the order u/sec 143(3)r.w.s263 of the Act dated 20.08.2021.

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 and findings of the AO and has issued notices of hearing and since there was no compliance by the assessee to notices. Therefore the CIT(A) considering the information on record has dismissed the appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

5. Heard the Ld.DR submissions and perused the material on record. Prima-facie the CIT(A) has passed the order considering the fact that there is no compliance nor appearance in spite of providing adequate opportunity of hearing and the notices were issued. Therefore, the CIT(A) was of the opinion that the assessee is not interested in prosecuting the appeal and passed the ex parte order. The CIT(A) has issued the notices of hearing on various dates i.e. 15.11.2022, 14.12.2022, 16.11.2023, 19.12.2023 & 19.01.2024 referred at Page 3 Para 4 of the order and there was no response and thus the Ld.CIT(A) came to a conclusion that the assessee is not interested and decided the appeal based on the information available on record. Whereas the assessee has raised grounds of appeal challenging the denial of claim of deduction u/sec 80P2(a)(i) of the Act made by the A.O and there could be various reasons for non appearance which cannot be overruled. Therefore, considering the facts and principles of natural justice, we shall provide with one more opportunity of hearing to the assessee to substantiate the case with evidences and information. Accordingly, set aside the order of the CIT(A)

and remit the disputed issue to the file of the CIT(A) to adjudicate afresh and the assessee should be provided adequate opportunity of hearing and shall cooperate in submitting the information for early disposal of the Appeal. And, the grounds of appeal of the assessee are allowed for statistical purpose.

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

Order pronounced in the open court on 16.09.2025.

-S/d-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Panaji Dated: 16/09/2025

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			