

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH**

BEFORE SHRI INTURI RAMA RAO, AM

**ITA No. 412/Coch/2025
Assessment Year: 2018-19**

Edamuttam Service Cooperative Appellant
Bank Ltd. No. R 305,
Edamuttam, Thrissur, Kerala
[PAN: AAAAE 4543 R]

vs.

ITO, Ward-1 & TPS, Respondent
Guruvayur, Thrissur.

Appellant by: Shri M. Ramdas, CA
Respondent by: Smt. Leena Lal, Sr. DR

Date of Hearing: 13.06.2025
Date of Pronouncement: 31.07.2025

ORDER

This appeal filed by the assessee is directed against the order of the ADDL/JCIT(A)-2, Noida [CIT(A)] dated 29.03.2025 for Assessment Year (AY) 2023-24.

2. Brief facts of the case are that assessee is a cooperative society registered under Kerala Co-operative Societies Act, 1969. It is classified as primary agricultural credit cooperative society. The return of income for the AY 2023-24 was filed on 16/12/2023 after

claiming deduction of Rs. 40,89,970/- u/s. 80P(2)(a)(i) of the Act. The said return of income was processed by the CPC u/s. 143(1) vide intimation dated 24/04/2024 by denying claim made u/s. 80P on the ground that return of income was filed belatedly. The assessee has filed a condonation petition u/s. 119(2)(b) of the Act before the CBDT, which is pending for consideration. The ITO, Ward-1 & TPS, Thrissur (for short, 'AO-CPC') issued a notice on 15/03/2024 calling for explanation for condonation of delay. The explanation offered by the assessee was rejected by the AO-CPC and also disallowed the claim made u/s. 80P.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order confirmed the action of the AO-CPC.

4. Being aggrieved, the assessee is in appeal before the Tribunal in the present appeal.

5. I find that filing the return of income within the due date prescribed u/s. 139(1) of the Act is, a condition precedent for claiming deduction u/s. 80P of the Act. Admittedly, the assessee had filed the return of income belatedly and, therefore, the CPC has rightly denied the exemption u/s. 80P of the Act, which was confirmed by the Ld. CIT(A). It is apparent from the record that assessee moved a petition for condonation of delay in filing the return of income before the Central Board of Direct Taxes (CBDT) u/s. 119(2)(b) of the Act, the same is pending for consideration. At

this stage, I decline to interfere in the orders passed by the lower authorities, however, assessee is at liberty to pursue appropriate proceedings after the outcome of the petition pending before the CBDT. Thus, this appeal filed by the assessee is dismissed with the aforesaid liberty.

6. In the result, the appeal filed by the assessee is dismissed with the aforesaid liberty.

Order pronounced in the open court on 31st July, 2025.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 31st July, 2025

vr/-

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin