

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

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI ANIKESH BANERJEE, JM**

**ITA No. 581/Coch/2025
Assessment Year: 2018-19**

Ala Service Co-op. Bank Ltd Appellant
Santhipuram P.O., Kodungallur, Thrissur 680668
[PAN: AADAA5833H]

vs.

The Income Tax Officer, WD-2(1), Thrissur Respondent

Assessee by: Shri Jojo, C.A., Advocate
Revenue by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 28.10.2025
Date of Pronouncement: 30.10.2025

ORDER

Per: Inturi Rama Rao, AM

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi (NFAC) dated 17.06.2025 for Assessment Year (AY) 2018-19.

2. Brief facts of the case are that the appellant is a co-operative society registered under the Kerala State Co-operative Societies Act, 1969. It is classified as a primary agricultural credit co-operative society engaged in the business of providing credit facilities to its members and accepting deposits from members. The return of

income for AY 2018-19 was filed on 28.12.2018 claiming deduction u/s. 80P of the Income Tax Act, 1961 (the Act). Against the said return of income, the assessment was completed by the National e-Assessment Centre (hereinafter called "the AO") vide order dated 15.04.2021 passed u/s. 143(3) r.w.s. 143(3A) & 143(3B) of the Act at a total income of Rs. 72,95,927/-. While doing so, the AO denied deduction u/s. 80P in respect of interest income 72,95,927/- derived from District Co-operative bank.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order confirmed the action of the AO by holding that the return of income was filed belatedly placing reliance on the provisions of section 80AC of the Act.

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

5. The learned counsel for the assessee submits before us that application for condonation of delay in filing the appeal was filed with the Principal Commissioner of Income Tax which is pending disposal. Therefore, the appeal may be restored to the file of the AO with direction to pass consequential order after disposal of the application by the Pr. CIT.

6. On the other hand, the learned Sr. DR opposed the above submission.

7. We have heard the rival contentions and perused the material available on record. On mere perusal of the order of the NFAC it would be evident that NFAC had denied deduction u/s. 80P on the ground that the return of income was not filed within the due date prescribed u/s. 139(1) of the Act placing reliance on the provisions of section 80AC of the Act. There is no dispute about the applicability of provisions of section 80AC of the Act. The power to condone the delay in filing the return of income is conferred upon the Pr.CIT u/s. 119B of the Act. The Tribunal is not vested with such powers. Therefore, we do not find any merit in the appeal filed by the appellant society. We make it very clear that the outcome of the present appeal shall have no bearing on the pending application before the Pr. CIT.

8. In the result, the appeal filed by the assessee stands dismissed.

Order pronounced in the open court on 30th October, 2025.

Sd/-
(ANIKESH BANERJEE)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 30th October, 2025

n.p.

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