

**IN THE INCOME TAX APPELLATE TRIBUNAL
'SMC' BENCH : BANGALORE**

BEFORE SHRI PRASHANT MAHARISHI, VICE – PRESIDENT

ITA No. 2269/Bang/2025
Assessment Year : 2018-19

M/s. Adithya Vividhodesha Sahakari Sanga Ltd., Post Hanglur, Kodi Road, Vaderhobli, Kundapura Taluk (Udupi District), Karnataka – 576 201. PAN: AADAA4450C	vs.	The Income Tax Officer, Ward-1 & TPS, Udupi.
APPELLANT		RESPONDENT

Assessee by	:	Shri Mahesh R Uppin, Advocate
Revenue by	:	Shri Ganesh R Ghale - Advocate, Standing Counsel for Revenue

Date of Hearing	:	15-12-2025
Date of Pronouncement	:	05-02-2026

ORDER

PER PRASHANT MAHARISHI, VICE – PRESIDENT

1. ITA No. 2269/Bang/2025 is filed by M/s. Adithya Vividhodesha Sahakari Sanga Ltd., for Assessment Year 2018-19 against the order of the Joint Commissioner of Income Tax (A)-3, Ahmedabad (the Ld. CIT(A)) wherein the Appeal filed by the Assessee against the rectification order passed u/s. 154 of the Income Tax Act dated 05.09.2019 by the Central Processing Centre, was dismissed.
2. The brief facts of the case shows that the Assessee is a co-operative society whose accounts are required to be audited under the laws of Karnataka Co-operatives Societies Act wherein u/s 63, it is provided that accounts are required to be audited, filed its return of income for

impugned Assessment Year 2018-19 on 19.09.2018 declaring total taxable income at Rs. Nil/-. The Assessee claimed the deduction u/s. 80P of the Act of Rs. 9,68,276/-. This return was processed u/s. 143(1) of the Act and the deduction u/s. 80P of the Act was disallowed by the CPC. The Assessee preferred a rectification application u/s. 154 of the Act which was also came to be rejected on 05.09.2019 and therefore the Assessee preferred an Appeal before the Ld. CIT(A).

3. The facts were stated that the return of income was filed by the Assessee on 19.09.2018 but the Ld. CPC stated that due date of filing of return of income is 31.08.2018 and therefore the CPC held that as the Assessee has not filed its return of income in time, the Assessee is entitled to deduction u/s. 80P of the Act and therefore the deduction claim of Rs. 9,68,276/- was disallowed.
4. The claim of the Assessee is that Assessee is a co-operative society whose accounts are audited and therefore the due date stated by the CPC of 31.08.2018 is incorrect. It should have been 31.10.2018 and as Assessee has filed its return on 19.09.2018, the claim of deduction u/s. 80P cannot be disallowed.
5. The Ld.CIT(A) dismissed the Appeal of the Assessee stating that the provisions of section 80C is very clear and Assessee has not furnished the return of income u/s. 139(1), the deduction is not eligible.
6. Therefore, Assessee is in appeal.
7. The Ld. Authorized Representative vehemently supported the submissions made before the Ld. lower authorities. The Ld. Departmental Representative relied upon the decision of the coordinate bench in ITA No. 1090/Bang/2022 dated 16.01.2023.

8. I find that the Assessee is a co-operative society which is required to get its account audited as per the Co-operative Societies Act and therefore the due date applicable in case of the Assessee would be 31.10.2018. The Assessee has filed its return of income on 19.09.2018. The Ld. CPC has taken the due date for filing of return of income as 31.10.2018. I find that the Assessee who is required to get its account audited, the due date of filing for filing of return of income would be 31.10.2018. According to us, the Assessee has filed its return of income in time and therefore the provisions of section 80AC as well as the provisions of section 143(1) does not apply.
9. In view of above facts, I direct the Ld. Assessing Officer to verify the due date of filing of the return of income in the case of the Assessee and if it is falling prior to 31.10.2018, and if it is found that the Assessee has filed its return of income in time, he is directed to grant Assessee the deduction claim u/s. 80P of the Act. This direction is granted for the reason that we do not find the copies of the return of income filed by the Assessee and as the CPC has mentioned the due date of filing of return of income as 31.08.2018. This is also the mandate of the decision of the coordinate bench sought by the Ld. Departmental Representative. The Ld. Assessing Officer may verify and grant the deduction.
10. In the result, Appeal filed by the Assessee is allowed.

Order pronounced in the open court on 05th February, 2026.

Sd/-
(PRASHANT MAHARISHI)
VICE-PRESIDENT

Bangalore,
Dated, the 05th February, 2026.

Copy to:

1. Appellant
2. Respondent
3. CIT
4. DR, ITAT, Bangalore
5. CIT(A)

By order

Assistant Registrar,
ITAT, Bangalore